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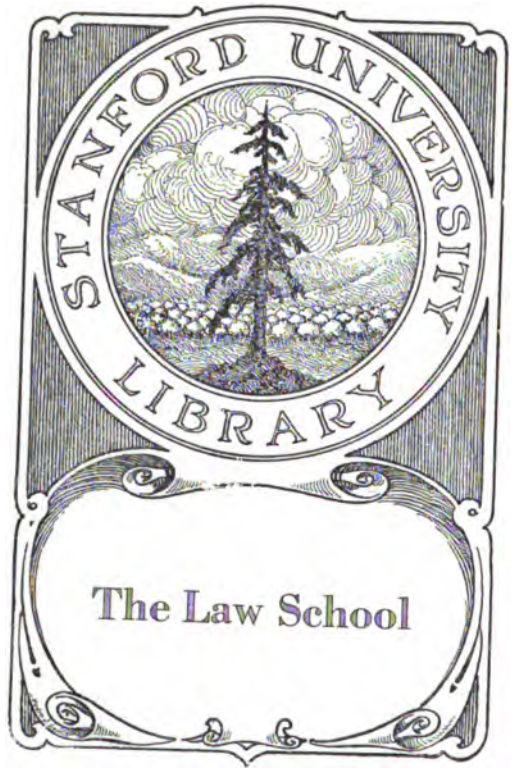
28 [illegible] PLACE
NEW YORK



THE STATE OF OHIO

LEGISLATIVE ACTS

PASSED

AND

JOINT RESOLUTIONS

Adopted

BY THE

SEVENTY-NINTH GENERAL ASSEMBLY

At Its Regular Session

BEGUN AND HELD IN THE CITY OF COLUMBUS,
JANUARY 2, 1911

VOLUME CII

Springfield, Ohio:
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State Printers.
1911.

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GENERAL LAWS.

AN ACT

[House Bill No. 89.]

To make appropriations to pay deficiencies authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations to pay deficiencies.

SECTION 1. That the following sums be, and the same are hereby appropriated out of moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies as herein specified,

OHIO NATIONAL GUARD.

For expenses Ohio National Guard, riot duty, Columbus, April and May; Newark, July, and Columbus, July and August, 1910..	$180,000 00

ATTORNEY GENERAL.

For expenses of investigation and prosecution of Newark riot.....	$1,000 00
Costs in cases brought by state.....	1,000 00

OHIO STATE SANATORIUM.

Ordinary repairs and improvements.....	$725 22
Erecting lightning rod on power house stack..	480 00
Gas line, water line, heaters and equipment..	408 08

OHIO SOLDIERS' AND SAILORS' HOME.

Ordinary repairs and improvements.....	$3,000 00

WILBERFORCE UNIVERSITY.

Tunnel connecting central heating plant with girls' dormitory.....	$4,176 30

Appropriations to pay deficiencies.

Interest to be paid on the approval of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state..... 3,189 68

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Passed Feb'y 1st, 1911.
Approved Feb'y 1st, 1911.

JUDSON HARMON,
Governor.
1

[House Bill No. 77.]

AN ACT

To amend section 820 of the General Code relative to the location of the office of the State Fire Marshal.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 820 of the General Code be amended so as to read as follows:

Fire marshal; term.

Place of office.

Sec. 820. The governor, with the advice and consent of the senate, shall appoint a fire marshal, who shall hold his office for a term of two years, and until his successor is appointed and qualified. The state fire marshal shall have his principal office in the city of Columbus.

SECTION 2. That said original section 820 be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Passed Jan'y 26th, 1911.
Approved Feb'y 3rd, 1911.

JUDSON HARMON,
Governor.
2

[House Bill No. 100.]

AN ACT

Making sundry appropriations to pay the interest on the irreducible debt.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated from any moneys that may be in the state treasury, or that may come into the state treasury, belonging to the sinking

fund, the following sums, for the purposes hereinafter named:

For interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university funds, falling due January 1, 1911—$325,000.00. Interest on irreducible debt.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Passed Jan'y 31st, 1911.
Approved Feb'y 3rd, 1911.

JUDSON HARMON,
Governor.
3

[House Bill No. 105.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated from any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of two hundred and fifty thousand ($250,000.00) dollars for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employes of the general assembly; five thousand dollars for contingent expenses of the house. Salaries and mileage, members and employes.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Passed Jan'y 26th, 1911.
Approved Feb'y 6th, 1911.

JUDSON HARMON,
Governor.
4

[Senate Bill No. 2.]

AN ACT

To provide for the election of judicial officers by separate ballot.

Be it enacted by the General Assembly of the State of Ohio:

Section 5054-1. SECTION 1. The election of judges of the supreme court, judges of the circuit courts, judges of the courts of common pleas, judges of the probate courts, justices of the peace, and judges of all other courts which are or may be Election of judges.

established by law, shall be governed and controlled by the general election laws of the state except as is otherwise provided by this act.

Section 5054-2. Judicial ticket.

SECTION 2. The names of all candidates for election to any of the judicial offices specified in Section 1 of this act, whose nominations have been duly made, and not withdrawn, shall be placed upon a separate and independent ballot, entitled, "Judicial Ticket," without any designation whatever, except the office or offices to which said candidates are to be elected, and the number of candidates required to be elected to each such office, and such directions as will aid the elector as "vote for one," "vote for two," and the like and such certification of the election officers upon the back of the ballot as is prescribed by law. There shall be separate poll books and tally sheets used for the election of all such judicial officers, and the ballots of the electors shall be deposited in a separate ballot box.

Section 5054-3. Form of official ballot certified to deputy state supervisors and inspectors.

SECTION 3. The secretary of the state, at the time he certifies to the boards of deputy state supervisors and inspectors of elections a form of official ballots for the general election, shall also certify to the several deputy state supervisors and inspectors of elections a form of official ballot for such judicial ticket, and it shall then be the duty of the several deputy state supervisors and inspectors of elections to proceed with the printing of the poll books, tally sheets, and ballots for such judicial election, and to perform all and singular the duties prescribed by law for the conduct of the general elections, in so far as the same are applicable.

Section 5054-4. Number of ballots, how divided. Arrangement of candidates. Blank space.

SECTION 4. The ballots shall be printed and prepared as follows: the whole number of ballots to be printed for the election of persons to fill each of said offices respectively shall be divided by the number of candidates for each of said offices respectively, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed as follows: the names of candidates shall be arranged in alphabetical order and the first series of ballots printed; then the first name shall be placed last and the next series printed, and so shall the process be repeated until each name shall have been first. These ballots shall then be combined in tablets with no two of the same order of names together, except when there is but one candidate for any of said offices. The names of candidates for the same office but for different terms of service therein, shall be arranged in groups according to the length of their respective terms. Blank spaces shall be left at the end of the list of candidates for each office equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. The ballots shall be so printed as to give each elector a clear opportunity to designate by a cross mark in a blank enclosed space on the left and before the name of each candidate his choice of particular candidate.

Section 5054-5. Marking.

SECTION 5. A cross shall be placed at the left of the name of each candidate for whom the elector desires to vote. The person having the largest number of votes for each office voted upon shall be decided elected to such office, and the next highest, and so on, until the number of candidates required to be elected shall have been selected from the number having the highest number of votes.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 6. All acts and parts of acts in so far as they are inconsistent herewith, are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

ATLEE POMERENE,
President of the Senate.

Passed Feb'y 8th, 1911.
Approved Feb'y 17th, 1911.

JUDSON HARMON,
Governor

5

[House Bill No. 67.]

AN ACT

To aid in defraying the expenses of maintaining permanent headquarters for the department of Ohio, Grand Army of the Republic, at Columbus.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for G. A. R. headquarters.

SECTION 1. That there be and is hereby appropriated from the general revenue fund of the state, not otherwise appropriated, the sum of twenty-five hundred dollars, for the fiscal year ending February 15th, 1912, to assist in defraying the expenses of maintaining permanent headquarters of the department of Ohio, Grand Army of the Republic, at the city of Columbus.

How expended.

SECTION 2. The expenditures of this money shall be on vouchers drawn on the auditor of state and signed by the department commander, attested by the assistant adjutant general, department of Ohio, Grand Army of the Republic.

S. J. VINING,
Speaker of the House of Representatives.

ATLEE POMERENE,
President of the Senate.

Passed Feb'y 14th, 1911.
Approved Feb'y 20th, 1911.

JUDSON HARMON,
Governor.

6

[House Bill No. 101.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for common schools.

SECTION 1. That there be, and is hereby appropriated from any moneys raised or coming into the state treasury for the support of the common schools, for the fiscal year ending November 15, 1911, the sum of two million four hundred and seventy-five thousand ($2,475,000.00) dollars, to be distributed for that purpose at the rate of two ($2.00) dollars for each enumerated youth; and paid in the manner provided by sections 7582, 7583 and 7584 of the General Code of Ohio.

S. J. VINING,
Speaker of the House of Representatives.

ATLEE POMERENE,
President of the Senate.

Passed Feb'y 14th, 1911.
Approved Feb'y 20th, 1911.

JUDSON HARMON,
Governor

[House Bill No. 198.]

AN ACT

Making appropriations for the Miami university, the Ohio university, the state normal school or college of the Ohio university, the state normal school or college of the Miami university, the Ohio State university, and for the normal and industrial department of the Wilberforce university.

Be it enacted by the General Assembly of the State of Ohio:

Miami University.

SECTION 1. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Miami University fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1911, and the first quarter of the fiscal year ending November 15, 1912, the sum of sixty-five thousand dollars, or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Miami university according to law.

SECTION 2. That there be and is hereby appropriated from any moneys coming into the state treasury to the

credit of "The Ohio University fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1911, and for the first quarter of the fiscal year ending November 15, 1912, the sum of sixty-five thousand dollars, or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Ohio university according to law. Ohio University.

SECTION 3. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio Normal School fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1911, and for the first quarter of the fiscal year ending November 15, 1912, the sum of forty thousand dollars, or as much of such funds as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the state normal school or college of the Ohio university according to law. Ohio University (Normal school).

SECTION 4. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Miami Normal School fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1911, and the first quarter of the fiscal year ending November 15, 1912, the sum of thirty thousand dollars, or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the state normal school or college of the Miami university according to law. Miami University (Normal school).

SECTION 5. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio State University fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1911, and for the first quarter of the fiscal year ending November 15, 1912, the sum of four hundred and twenty-five thousand dollars, or as much of such sums as may come into the treasury to the credit of such fund; to be applied to the uses and purposes of the Ohio State university according to law. O. S. U.

SECTION 6. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The normal and industrial department of the Wilberforce University fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1911, and for the first quarter of the fiscal year ending November 15, 1912, the sum of thirty thousand dollars, or as much of said sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the normal and industrial department of the Wilberforce university according to law. Wilberforce University.

SECTION 7. That the different appropriations hereinbefore provided for are made in accordance with the pro-

visions of House Bill No. 45 and House Bill No. 665, passed April 2, 1906, presented to the governor April 3, 1906, and filed in the office of the secretary of state, April 16, 1906.

S. J. VINING,
Speaker of the House of Representatives.

ATLEE POMERENE,
President of the Senate.

Passed Feb'y 14th, 1911.
Approved Feb'y 20th, 1911.

JUDSON HARMON,
Governor.
8

[House Bill No. 88.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

Support of common schools; weak school districts.

SECTION 1. That there be, and is hereby appropriated from any moneys raised or coming into the state treasury for the support of the common schools and not otherwise appropriated, the sum of nineteen thousand ($19,000.00) dollars, to assist in the maintenance of weak school districts, which shall be distributed by the auditor of state, in accordance with the provisions of the act passed April 2, 1906.

S. J. VINING,
Speaker of the House of Representatives.

ATLEE POMERENE,
President of the Senate

Passed Feb'y 14th, 1911.
Approved Feb'y 20th, 1911.

JUDSON HARMON,
Governor.
9

[Senate Bill No. 16.]

AN ACT

To amend section 5978 of the general code, by omitting the provision as to presentment and protest of negotiable paper.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5978 of the general code be amended so as to read as follows:

Sec. 5978. Every Saturday of each year shall be a one-half legal holiday for all purposes, beginning at twelve o'clock noon and ending at twelve o'clock midnight. Half holiday.

SECTION 2. Said original section 5978 of the general code is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Passed Feb'y 14th, 1911.
Approved Feb'y 27th, 1911.

JUDSON HARMON,
Governn.
10

[House Bill No. 38.]

AN ACT

To amend sections 3942, 3945, 3948 and 3954 of the General Code, as amended May 10, 1910, relating to the limitations upon the powers of municipalities to issue bonds and to create additional limitations upon such powers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3942, 3945, 3948 and 3954 of the General Code, as amended May 10, 1910, be and the same are amended so as to read as follows:

Sec. 3942. The net indebtedness incurred by any township or municipal corporation for the purposes mentioned in sections 3295 and 3939 of the General Code shall never exceed four per cent. of the total value of all the property in such corporation or township, as listed and assessed for taxation, unless the excess of such amount is authorized by vote of the qualified electors of the township or corporation in the manner hereinafter provided. Four per cent. limitation.

Sec. 3945. Such limitation of one per cent. and four per cent. hereinbefore prescribed shall not affect bonds lawfully issued for such purposes upon the approval of the electors of the township or corporation. Former bonds not affected.

Sec. 3948. Before any bonds in excess of such limitations of one per cent. and four per cent. are issued or tax levied, the question of issuing them shall be submitted to the voters of the township or corporation at a general or special election. Vote.

Sec. 3954. No municipal corporation or township shall create or incur a net indebtedness under the authority of this chapter in excess of eight per cent. of the total value of all the property in such township or corporation as listed or assessed for taxation. Bonds issued in good faith for such purposes, which at the time of issue were within the limitations existing at the time of such issue, shall be valid obligations of the township or municipal corporation which Limitation to 8% assessed value of property.

issued them. In ascertaining the limitations of such eight per cent. and of such four per cent. all such bonds shall be considered, except those specifically excluded by section 3946 of the General Code.

Section 3954-1.

SECTION 2. That from and after the passage of this act and until and including the thirtieth day of September, 1911, the limitations prescribed in this chapter shall be applied to and based upon the total value of all property listed and assessed for taxation in such municipal corporation or township, as determined by the duplicate for the year 1910; on and after the first day of October, 1911, the four per cent. limitation provided in this chapter shall be reduced to two and one-half per cent., and the eight per cent. limitation provided in this chapter, shall be reduced to five per cent., and such reduced limitations shall be applied to and based upon the value of all the property listed and assessed for taxation in such municipal corporation or township as determined by the duplicate then or thereafter in force.

Reduction of tax limitation.

The sectional number on the margin hereof is designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 3. That sections 3942, 3945, 3948 and 3954 of the General Code, as amended May 10, 1910, be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Feb'y 22nd, 1911.
Approved Feb'y 24th, 1911.

JUDSON HARMON,
Governor.

11

[House Bill No. 185.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Sundry appropriations.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated:

ADJUTANT GENERAL'S DEPARTMENT.

Contingent expenses..... $300 00

STATE HOUSE AND GROUNDS.

Material and repairs..... $1,000 00

ATTORNEY GENERAL.

Sundry appropriations.

Expenses, investigation and prosecution, Newark riot	$1,000 00

BOARD OF STATE CHARITIES.

Per diem of assistant agents	$1,750 00
Expenses of agents	500 00

EMPLOYERS' LIABILITY COMMISSION.

Salaries and expenses of employes	$2,000 00
Expenses of members of the commission	750 00

CHIEF INSPECTOR OF MINES.

Contingent expenses	$150 00

SUPERVISOR OF PUBLIC PRINTING.

State printing	$25,000 00

DAYTON STATE HOSPITAL.

New engine, dynamo and equipment complete	$10,000 00

TOLEDO STATE HOSPITAL.

Current expenses	$12,000 00

OHIO STATE SCHOOL FOR THE BLIND.

Salaries of officers, teachers and trustees' expenses	$500 00
Ordinary repairs and improvements	500 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses	$15,000 00
Ordinary repairs and improvements	1,500 00

OHIO SOLDIERS' AND SAILORS' HOME.

To complete contract on nurses' cottage with rest room and toilet	$3,000 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Sundry appropriations.

Current expenses	$5,000 00
Ordinary repairs and improvements	500 00
Salaries of foremen and instructors	1,800 00

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.
Passed Feb'y 22nd, 1911.
Approved Feb'y 27th, 1911.
JUDSON HARMON,
Governor.
12

[House Bill No. 117.]

AN ACT

To make partial appropriations for the last three-quarters of the fiscal year ending November 15, 1911, and the first quarter of the fiscal year ending February 15, 1912.

Be it enacted by the General Assembly of the State of Ohio:

Partial appropriations, 1911-1912.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby, appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT

Salary of adjutant general	$3,500 00
Salary of assistant adjutant general	2,000 00
Salary of assistant quartermaster general	2,000 00
Salary of chief clerk	1,400 00
Salaries of seven clerks at $1,200 each	8,400 00
Salary of superintendent of state arsenal	1,400 00
Salaries of two stenographers at $720 each	1,440 00
Contingent expenses	1,000 00

STATE HOUSE AND GROUNDS.

Salary of superintendent of laborers	$ 900 00
Salary of engineer	1,000 00
Salaries of five firemen	4,120 00
Salaries of two visitors' attendants	1,440 00
Salaries of two custodians of flag room	1,440 00
Salaries of two day policemen	1,440 00
Salaries of two night policemen	1,600 00
Salaries of ten regular laborers at $720 each	7,200 00
Salaries of two elevator attendants	1,440 00

Salaries of extra laborers and carpenter.....	2,000 00	Partial appropriations, 1911-1912.
Electric current for light and power for state house	3,000 00	
Material and repairs.....	1,000 00	

OHIO NATIONAL GUARD.

Maintenance Ohio national guard...	$50,000 00

OHIO STATE BOARD OF AGRICULTURE.

Encouragement of agriculture.....	$10,000 00
Suppression and prevention of diseases among live stock.....	5,000 00
Bonds due September 1, 1911.....	20,000 00
Interest on bonds due March 1 and September 1, 1911.....	1,000 00
Receipts and balances.....	

ATTORNEY GENERAL.

Salary of attorney general.....	$6,500 00
Salary of first assistant attorney general.....	4,000 00
Salary of second assistant attorney general...	2,500 00
Salary of chief clerk.....	1,500 00
Salary of Willis tax clerk.....	1,200 00
Salaries of two stenographers at $1,200 each..	2,400 00
Salary of messenger.....	600 00
Salary of janitor.....	600 00
Special counsel.....	10,000 00
Costs in cases brought by state....	1,000 00
Contingent expenses.....	500 00
Traveling expenses	500 00

AUDITOR OF STATE.

Salary of auditor of state.....	$6,500 00
Salary of deputy auditor of state.....	3,000 00
Salary of chief clerk.....	2,400 00
Salaries of two inspectors and examiners of departments of state.....	4,400 00
Salary of bookkeeper and sinking fund clerk..	2,200 00
Salary of inspector of institutions.....	2,000 00
Salary of assistant bookkeeper and settlement clerk	1,950 00
Salary of liquor tax deputy.....	1,750 00
Salary of liquor tax clerk.....	1,750 00
Salary of land clerk.....	1,500 00
Salary of filing clerk.....	1,500 00
Salary of secretary and cashier.....	1,500 00
Salary of general clerk.....	1,500 00
Salaries of two excise clerks.....	2,850 00
Salary of canal and trust fund clerk.....	1,400 00
Salary of statistical clerk.....	1,350 00

Partial appropriations, 1911-1912.

Salary of transcribing and record clerk	1,350 00
Contingent expenses	1,000 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	$1,000 00
Field work Fort Ancient and Serpent Mound.	1,000 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members	$1,000 00

SUPERINTENDENT OF BANKS.

Salary of superintendent	$5,000 00
Salary of chief examiner	2,000 00
Salaries of seven examiners at $1,800 each	12,600 00
Salary of chief clerk	1,800 00
Salary of bookkeeper	1,200 00
Salary of stenographer	900 00
Traveling expenses	3,000 00
Rent of offices	800 00
Contingent expenses	500 00

BOARD OF STATE CHARITIES.

Salary of secretary	$1,800 00
Salary of clerk	900 00
Salary of stenographer	720 00
Salary of record clerk	600 00
Salary of agent	1,800 00
Contingent expenses	400 00
Expenses of secretary	600 00

STATE BOARD OF HEALTH.

Salary of secretary	$3,500 00
Salary of chief engineer	3,000 00
Salaries of four assistant engineers	4,800 00
Salary of bacteriologist	1,620 00
Salaries of three laboratory assistants	3,500 00
Salary of chief clerk	2,000 00
Salary of record clerk	1,000 00
Salary of correspondence clerk	1,000 00
Salaries of two general clerks	1,560 00
Salaries of two stenographers	1,260 00
Salary of mailing clerk and messenger	480 00
Salaries of two laboratory helpers	720 00
Salary of epidemiologist	1,500 00
Salary of plumbing inspector	1,800 00
Salaries of extra clerks	720 00
Contingent expenses	2,000 00

Apparatus, fittings and supplies engineering department and laboratory	2,000 00	Partial appropriations, 1911-1912.
Per diem and traveling expenses of members of board and employes	3,000 00	
Expenses of pathological work	500 00	
Rent of offices	1,242 00	

OHIO STATE BOARD OF PARDONS.

Salaries of members	$3,000 00

BOARD OF PUBLIC WORKS.

Salaries of members	$8,700 00
Traveling expenses of members	800 00
Salary of chief engineer	3,000 00
Salary of assistant engineer	1,600 00
Salary of secretary	1,500 00
Salary of stenographer and clerk	900 00
Contingent expenses	500 00
Land department	4,000 00

DAIRY AND FOOD COMMISSIONER.

Salary of commissioner	$4,000 00
Salaries of two assistant commissioners at $1,000 each	2,000 00
Expenses of two assistant commissioners	1,500 00
Salaries of twelve deputy inspectors for the collection of the liquor tax under the Cain law at $1,300 each	15,600 00
Salary of chief clerk	1,200 00
Salaries of two clerks	2,200 00
Salaries of extra clerks	720 00
Inspection, analyses and publication	10,000 00
Traveling expenses of liquor tax inspectors	5,000 00
Contingent expenses for collection of liquor tax	500 00

CHIEF EXAMINER STEAM ENGINEERS.

Salary of chief examiner	$3,000 00
Salary of assistant chief examiner	1,800 00
Salaries of ten district examiners at $1,500 each	15,000 00
Salaries of three clerks, two at $1,200 each and one at $1,000	3,400 00

COMMISSIONERS OF FISH AND GAME.

General expenses	$6,000 00
Fish hatcheries at London	1,500 00
Patrol boats, balances and	1,500 00

BUREAU OF LABOR STATISTICS.

Partial appropriations, 1911-1912.

Salary of commissioner	$3,000 00
Traveling expenses of commissioner	500 00
Salary of chief clerk	1,500 00
Salary of stenographer	900 00
Salaries of three clerks at $720 each	2,160 00
Contingent expenses	3.000 00
Employment offices—	
Salaries of five superintendents at $1,500 each	7,500 00
Salaries of five clerks at $720 each	3,600 00

COMMISSIONERS OF PUBLIC PRINTING.

For printing paper	$25,000 00
Salary of clerk	500 00
For printing paper and supplies for Ohio agritural experiment station	1,000 00

OHIO SOLDIERS' CLAIMS.

Salary of commissioner	$2,500 00
Salaries of two clerks at $720 each	1,440 00
Salaries of extra clerks	1,150 00
Contingent expenses	750 00

STATE COMMISSIONER OF COMMON SCHOOLS

Salary of commissioner	$4,000 00
Traveling expenses of commissioner	800 00
Salaries of two school inspectors at $2,000 each	4,000 00
Traveling expenses of two school inspectors at $750 each	1,000 00
Salary of chief clerk	1,750 00
Salary of statistician	1,500 00
Salary of examiner	1,400 00
Salary of stenographer	720 00
Salary of correspondence clerk	720 00
Salary of messenger	500 00
Per diem and expenses of state board of school examiners	750 00
Boxing and shipping	200 00
Publication and distribution of Arbor Day annual	100 00

EXECUTIVE DEPARTMENT.

Salary of governor	$10,000 00
Salary of lieutenant governor	1,500 00
Salary of secretary to the governor	5,000 00
Salary of executive clerk	3,000 00

Salary of commission clerk	1,500 00	Partial appropriations, 1911-1912.
Salary of corresponding clerk	1,500 00	
Contingent expenses, including newspapers	8,000 00	

GEOLOGICAL SURVEY.

Geological survey, receipts and balances and	$2,500 00
Illustrations of specimens	150 00

STATE HIGHWAY DEPARTMENT.

Salary of commissioner	$2,500 00
Salary of assistant commissioner	1,800 00
Traveling expenses of commissioner at $1,200, assistant commissioner at $1,000 and three engineers at $750 each	4,450 00
Salary of chief clerk	1,200 00
Salaries of three engineers at $1,500 each	4,500 00
Salaries of six clerks at $900 each	5,400 00
Contingent expenses	1,000 00
Rent of offices	1,000 00
State aid in road building, appropriation of 1911, and receipts and balances of an act "To provide for the registration, identification and regulation of motor vehicles," passed May 9, 1908, and acts amendatory and supplementary thereto	

CHIEF INSPECTOR OF MINES.

Salary of chief inspector	$2,000 00
Salaries of twelve district inspectors, nine at $1,800 and three at $1,200 each	19,800 00
Traveling expenses of twelve district inspectors	3,000 00
Salary of chief clerk	1,200 00
Salary of stenographer	900 00
Salaries of extra clerks	1,590 00
Contingent expenses	1,000 00

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of chief inspector	$2,500 00
Salary of assistant chief inspector	2,500 00
Salary of high explosive inspector	2,000 00
Salaries of twenty-two district and two bakeshop inspectors at $1,200 each	28,800 00
Salaries of eight lady visitors at $1,200 each	9,600 00
Salary of chief clerk	1,800 00
Salary of clerk	1,200 00
Salaries of three stenographers at $840 each	2,520 00
Contingent expenses	500 00
Rent of Offices—Cleveland and Cincinnati	350 00

INSURANCE DEPARTMENT.

Partial appropriations, 1911-1912.

Salary of superintendent	$4,000 00
Salary of deputy superintendent	2,400 00
Salary of actuary	2,400 00
Salary of chief clerk	1,800 00
Salary of examiner	1,800 00
Salary of statistician	1,800 00
Salary of warden	1,800 00
Salary of bookkeeper	1,800 00
Salary of first assistant actuary	1,400 00
Salary of second assistant actuary	1,200 00
Salary of correspondence clerk	1,350 00
Salary of assistant examiner	1,200 00
Salary of assistant statistician	1,200 00
Salary of license clerk	1,200 00
Salary of mailing clerk	1,000 00
Salary of janitor	600 00
Salaries of extra clerks	1,500 00
Contingent expenses	1,000 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	3,700 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Salary of deputy inspector and supervisor of bond investment companies	$3,000 00
Salary of inspector's clerk	1,350 00
Salary of statistician	1,350 00
Salary of correspondence clerk	1,200 00
Salary of chief clerk	1,200 00
Salary of mailing clerk	200 00
Salary of janitor	300 00
Salaries of extra clerks	100 00
Salaries of nine examiners at $1,800 each	16,200 00
Traveling expenses of examiners and deputy inspector	1,500 00

JUDICIARY.

Salaries of judges	$470,000 00
Expenses of common pleas judges	5,000 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Prosecution and transportation of convicts to Ohio penitentiary, Ohio state reformatory and boys committed to boys' industrial school	$100,000 00

RAILROAD COMMISSION OF OHIO.

Salaries of commissioners	$15,000 00	Partial appropriations, 1911-1912.
Salaries of clerks	5,700 00	
Contingent expenses	1,000 00	
Traveling expenses	1,500 00	
Uses and purposes of commission		
Inspector of automatic couplers and air brakes.		
Receipts and balances		

SECRETARY OF STATE.

Salary of secretary of state	$6,500 00
Salary of assistant secretary of state	3,000 00
Salary of stationery clerk	1,500 00
Salary of statistician	1,500 00
Salary of assistant statistician	1,350 00
Salary of recording clerk	1,350 00
Salary of assistant recording clerk	1,200 00
Salary of proof reading clerk	1,350 00
Salary of corporation list clerk	1,350 00
Salary of corporation clerk	1,350 00
Salary of assistant corporation clerk	1,350 00
Salary of stenographer	1,350 00
Salary of corporation stenographer	1,200 00
Salary of mailing clerk	1,200 00
Salary of superintendent of book room	1,200 00
Contingent expenses	1,000 00
Stationery fund	5,000 00

BUREAU OF VITAL STATISTICS.

Salary of state registrar	$2,000 00
Salary of chief statistician	1,500 00
Salary of statistical clerk	840 00
Salaries of two assistant statistical clerks, one at $840 and one at $720	1,560 00
Salary of editor	1,350 00
Salaries of six stenographers at $720 each	4,320 00
Salary of compiling clerk	900 00
Salary of chief card operator	720 00
Salaries of four assistant card operators at $600 each	2,400 00
Salary of chief certificate clerk	900 00
Salary of assistant certificate clerk	720 00
Salary of file clerk	720 00
Salary of shipping clerk	1,000 00
Salary of messenger	480 00
Contingent expenses	5,000 00

STATE LIBRARY.

Salary of librarian	$3,000 00
Salary of assistant librarian	1,200 00

Partial appropriations, 1911-1912.

Salary of library assistants	4,800 00
Salary of assistant secretary and stenographer	900 00
Salary of document clerk	960 00
Salary of janitor	900 00
Books and papers	2,000 00
Contingent expenses and extra labor	500 00
For traveling library department	4,000 00
Expenses of commission	500 00
For department of library organization	1,000 00

SUPERVISOR OF PUBLIC PRINTING.

Salary of supervisor	$2,000 00
State printing	30,000 00
State bindery	20,000 00
Contingent expenses	450 00
Machinery and repairs	500 00
Typewriting	300 00

SUPREME COURT AND LAW LIBRARY.

Salary of marshal and law librarian	$2,500 00
Salary of assistant librarian and chief clerk	1,800 00
Salary of assistant librarian	1,200 00
Salary of first deputy marshal	1,350 00
Salary of second deputy marshal	1,200 00
Salary of third deputy marshal	1,000 00
Salary of first stenographer	1,200 00
Salary of second stenographer	1,000 00
Salary of messenger	1,000 00
Contingent expenses, including porters	2,000 00
Books and legal publications for law library	1,000 00

CLERK OF SUPREME COURT.

Salary of clerk	$4,000 00
Salary of first deputy clerk	1,800 00
Salary of second deputy clerk	1,500 00
Salary of correspondence clerk	1,200 00
Salary of messenger	700 00

REPORTER OF SUPREME COURT.

Salary of reporter	$4,000 00
Contingent expenses	1,500 00

TAX COMMISSION OF OHIO.

Salaries of commissioners	$15,000 00
Salary of secretary	750 00
Salary of corporation fee clerk	500 00
Salary of assistant corporation fee clerk	375 00
Salary of excise tax clerk	450 00
Salary of special accountant	600 00

Salary of special agent	450 00	Partial appropriations, 1911-1912.
Salaries of four clerks	1,500 00	
Salary of clerk	300 00	
Salaries of four stenographers	900 00	
Salaries of additional examiners, experts, clerks, accountants, stenographers and other assistants	9,175 00	
Rent of offices	1,500 00	
Contingent expenses	5,000 00	
Traveling expenses	5,000 00	
Furniture and carpets	1,500 00	
Steel file cases	600 00	
Expenses in connection with quadrennial appraisement of real estate	5,000 00	

TOPOGRAPHIC SURVEY.

For co-operation with the U. S. geological survey, in the preparation and completion of a contour-topographic survey and map of this state, balances and	$15,000 00

To be paid upon vouchers approved by the governor, and the governor is hereby authorized to arrange for carrying on such work with the representatives of the U. S. geological survey, and he may accept or reject the work of the U. S. geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation...

TREASURER OF STATE.

Salary of treasurer	$6,500 00
Salary of cashier	3,400 00
Salaries of two bookkeepers at $1,800 each	3,600 00
Salary of stenographer	720 00
Salary of tax clerk	600 00
Salary of bond clerk	600 00
Salaries of two night watchmen	1,800 00
Contingent expenses	1,000 00

OHIO AGRICULTURAL EXPERIMENT STATION.

Administration	$10,000 00
Agronomy	4,000 00
Animal husbandry	10,000 00
Botany	2,000 00
Co-operative experiments	5,000 00
Entomology	3,000 00
Forestry	2,000 00
Soils	2,000 00

Partial appropriations, 1911-1912.

Chemistry	1,000 00
Horticulture	2,000 00
Nutrition	2,000 00
Receipts from general government	
Miscellaneous receipts	

OHIO PENITENTIARY.

Current expenses	$50,000 00
Salaries of managers	5,000 00
Salaries of officers	10,000 00
Salaries of guards	30,000 00
Salary of superintendent of farm	1,200 00
Material and equipment for custodial farm	4,000 00
Maintenance of families of those convicted of non-support	2,000 00

OHIO STATE REFORMATORY.

Current expenses	$30,000 00
Salaries of managers	3,000 00
Salaries of officers	15,000 00
Salaries of guards	15,000 00
Ordinary repairs and improvements	6,000 00
Maintenance of families of those convicted for non-support	1,000 00
Receipts and balances	

BOYS' INDUSTRIAL SCHOOL.

Current expenses	$50,000 00
Salaries of officers, teachers and trustees' expenses	20,000 00

Provided that the exceptions to the Ohio penitentiary, in section 2314 of the General Code of Ohio, shall be extended to the Boys' Industrial School.

GIRLS' INDUSTRIAL HOME.

Current expenses	$25,000 00
Salaries of officers, teachers and trustees' expenses	12,000 00
Ordinary repairs and improvements	5,000 00
Musical instruments, books and amusements	500 00
Extending industrial training	1,000 00

ATHENS STATE HOSPITAL.

Current expenses	$50,000 00
Salaries of officers and trustees' expenses	3,000 00
Ordinary repairs and improvements	5,000 00

CLEVELAND STATE HOSPITAL.

Current expenses	$60,000 00	Partial appropriations, 1911-1912.
Salaries of officers and trustees' expenses	4,000 00	
Ordinary repairs and improvements	5,000 00	

COLUMBUS STATE HOSPITAL.

Current expenses	$90,000 00
Salaries of officers and trustees' expenses	3,000 00
Ordinary repairs and improvements	10,000 00

DAYTON STATE HOSPITAL.

Current expenses	$40,000 00
Salaries of officers and trustees' expenses	3,000 00
Ordinary repairs and improvements	5,000 00

LIMA STATE HOSPITAL.

Salaries of commissioners	$3,000 00
Expenses of commission	500 00
Salary of clerk of commission	1,200 00
Salaries of superintendent of farm and assistants	1,200 00

LONGVIEW HOSPITAL.

Current expenses	$60,000 00
Salaries of officers and trustees' expenses	4,000 00
Ordinary repairs and improvements	5,000 00

MASSILLON STATE HOSPITAL.

Current expenses	$60,000 00
Salaries of officers and trustees' expenses	4,000 00
Ordinary repairs and improvements	5,000 00

OHIO STATE SANATORIUM.

Current expenses	$15,000 00
Salaries of officers and trustees' expenses	1,000 00
Ordinary repairs and improvements	1,000 00

TOLEDO STATE HOSPITAL.

Current expenses	$80,000 00
Salaries of officers and trustees' expenses	4,000 00
Ordinary repairs and improvements	5,000 00

OHIO STATE SCHOOL FOR THE BLIND.

Current expenses	$20,000 00
Salaries of officers, teachers and trustees' expenses	7,000 00

Partial appropriations, 1911-1912.

Ordinary repairs and improvements.....	4,000 00
Pianos and school supplies.....	1,000 00
Industrial department	1,000 00

OHIO COMMISSION FOR THE BLIND

Current expenses and prevention of blindness, balances and.....	$1,000 00

STATE SCHOOL FOR THE DEAF.

Current expenses.....	$25,000 00
Salaries of officers, teachers and trustees' expenses	20,000 00
Ordinary repairs and improvements.....	4,000 00
Foremen and supplies industrial pursuits.....	3,500 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses.....	$80,000 00
Salaries of officers and trustees' expenses.....	4,000 00
Ordinary repairs and improvements.....	5,000 00

INSTITUTION FOR FEEBLE-MINDED YOUTH.

Current expenses.....	$50,000 00
Salaries of officers, teachers and trustees' expenses	6,000 00
Ordinary repairs and improvements.....	5,000 00
Ordinary repairs and improvements at custodial farm.....	2,000 00

Provided that the exceptions to the Ohio penitiary, in section 2314 of the General Code of Ohio, shall be extended to the Institution for Feeble-Minded Youth.

OHIO SOLDIERS' AND SAILORS' HOME.

Current expenses, amount received from the general government and.....	$40,000 00
Salaries of officers and trustees' expenses.....	4,000 00
Ordinary repairs and improvements.....	5,000 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses.....	$50,000 00
Salaries of officers, teachers and trustees' expenses	10,000 00
Ordinary repairs and improvements.....	3,000 00
Industrial pursuits.....	3,000 00
Salaries of foremen and instructors.....	5,000 00
Net earnings.....	500 00
Support of orphans outside.....	1,000 00

HOME FOR OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, WIDOWS, MOTHERS AND ARMY NURSES. Partial appropriations, 1911-1912.

Maintenance	$4,000 00
Ordinary repairs and improvements	500 00

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES

General expenses.....
Receipts and balances.....

OHIO BOARD OF PHARMACY

Receipts and balances.....

STATE MEDICAL BOARD.

Receipts and balances.....

STATE FIRE MARSHAL.

Receipts and balances.....

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1911, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid. Prohibited expenditures.

SECTION 3. No bills for clerk hire, for furniture or carpets or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. Prohibited expenditures.

No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth, in itemized Manner of disbursement.

form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing that competitive bids were secured or that it was an emergency requiring purchase; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of such receipts and expenditures, as may be required by such auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated.

Monthly account.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Feb'y 22nd, 1911.
Approved Feb'y 28th, 1911.

JUDSON HARMON,
Governor.
13

[Senate Bill No. 1.]

AN ACT

To amend and supplement section 5542-9 and to supplement sections 5466, 5516 and 5624 of the general code, authorizing the tax commission of Ohio to reconvene certain boards to provide for the payment of expenses incident thereto, authorizing the extension of time for filing certain reports and increasing the powers and duties of said boards and said tax commission.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5542-9 of the general code be amended and supplemented by the addition of sections to be known as 5542-9a, 5542-9b, 5542-9c and 5542-9d, and section 5466 be supplemented by the addition of sections to be known as sections 5466-1 and 5466-2, and section 5516 be supplemented by the addition of a section to be known as section 5516-1, and section 5624 be supplemented by the addition of a section to be known as section 5624-1.

Sec. 5542-9. The commission shall, on or before the first day of April following, determine whether the real property of the several counties, cities, villages and taxing districts in the state shall have been assessed at its true value in money, and if, in the opinion of said commission the real property which any county, city, village or taxing district in the state, as reported by said auditors to said commission, is not on the duplicate at its true value in

Determine valuations by April 1st.

money, the said commission may increase or decrease the valuation in such county, city, village or taxing district, or in any ward or division of a municipal corporation larger than an election precinct, by such ratio of per cent. or by such amount as will place said property on the duplicate at its true value in money, or so increase or decrease the valuation of any class of real property, in any such district, ward or division which was required by law to be separately assessed, listed or returned.

Increase or decrease of valuations.

Sec. 5542-9a. The tax commission of Ohio may, whenever in its opinion the same may be necessary or advisable, order the board for the annual equalization of real and personal property, moneys and credits, provided for in section 5580 of the general code, of any county, the quadrennial county board of equalization of real property outside of cities, provided for in section 5594 of the general code, and such board sitting as a board of revision, provided for in section 5600 of the general code, of any county, the city board of review, provided for in section 5618 of the general code, and such board sitting as a board of equalization or as a board of revision, as provided in section 5624 of the general code, of any city, and the quadrennial city board of assessors of real property, provided for in section 3365 of the general code, of any city, to reconvene, notwithstanding the time provided by law for the completion of the work or the performance of the duties of such board may have passed, or such board may have finally adjourned, and may direct any such board to complete any unfinished work, business or duty, or correct any errors or omissions, or authorize it to change any improper valuations theretofore made. When so reconvened such board in the performance of such duties as the tax commission may have directed shall have and exercise all the powers and perform all the duties imposed upon it by law before its final adjournment or during the performance of its previous work.

Powor to reconvene boards; to complete duty or correct errors.

Powers and duties when so reconvened.

Sec. 5542-9b. The tax commission shall, in all such cases, transmit a certified copy of its order to the auditor of the proper county, whose duty it shall be, forthwith upon receiving the same, to notify each member of such board thereof and fix a time and place for the reconvening of such board. The members of any such board, so reconvened, and such messengers and clerks as the board may deem necessary shall be entitled to receive, for the time they may be engaged, the same compensation, to be paid in the same manner, as during their former service; provided, however, that the tax commission shall, in its order reconvening any such board, fix and determine the time within which the duties enjoined upon it shall be performed, and the members of such board shall not be entitled to receive compensation for a longer period.

Certified copy of order to auditor of county.

Compensation.

Sec. 5542-9c. Whoever, being a member of any board mentioned in section 5542-9a, fails, neglects or refuses,

after having been duly notified as provided in the next preceding section, to meet with the board of which he may be a member and perform the duties enjoined upon him by law, shall be fined not less than one hundred dollars nor more than five hundred dollars, and be subject to such other penalties and liabilities as may be provided by law.

Penalty when member neglects or refuses to meet with board.

Sec. 5542-9d. In performance of the duties imposed upon it by sections 106, 107, 108 and 109 of the act entitled "An act to create a tax commission, define its powers and duties, and to repeal sections 258, 5415 to 5431 inclusive, 5445 to 5542 inclusive and 5602 to 5617 inclusive of the general code," passed May 10, 1910, the tax commission of Ohio shall have and exercise all the powers conferred upon said commission by sections 14 to 26 inclusive of said act which, in so far as the same may be applicable, are hereby extended and shall be held and construed to apply to all persons, companies, corporations, co-partnerships or public utilities; and any person, company, corporation, co-partnership or public utility failing or refusing to comply with any order of the commission made to carry out the provisions of this section shall be subject to the penalty provided for in section 15 and the contempt proceedings provided for in section 22 of said act.

Powers to enforce compliance with order of tax commission.

Sec. 5466-1. A person who shall appear before the tax commission, by its order, with respect to the appraisement of property in any taxing district, shall be allowed and paid out of the treasury of the proper county, if an officer of any such taxing district or a member of any board mentioned in section 5542-9a, his actual and necessary traveling expenses, such expenses to be itemized and sworn to by the person who incurred the expense, and if other than any such officer or member of any such board he shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the courts of common pleas. Such traveling expenses and witness fees shall be audited and paid out of the county treasury of the proper county in the same manner as other expenses are audited and paid, upon the presentation of a certificate from the tax commission certifying to the fact of such attendance.

Witness fees, mileage, etc.

Sec. 5466-2. Any expense incurred by the tax commission of Ohio, with respect to the quadrennial appraisement of real property in any taxing district, shall be paid out of the treasury of the county in which such taxing district may be located, upon presentation of the order of the tax commission, certifying the amount thereof, to the county auditor, who shall thereupon issue his warrant therefor upon the general fund of the county, directed to the county treasurer, who shall pay the same. All moneys paid out of the county treasury under authority of this section and section 5466-1 shall be a charge against the proper taxing district, and amounts so paid by the county shall be retained by the county auditor from funds due such taxing district at the time of making the semi-annual distribution of taxes.

Expense retained from taxing district.

Sec. 5516-1. The tax commission of Ohio, when it deems the same necessary or advisable, may extend to any corporation or public utility, a further specified time within which to file any report required by law to be filed with the tax commission, in which event the attaching or taking effect of any penalty for failure to file such report or pay its tax or fee into the state treasury shall be extended or postponed accordingly. Extension of time.

Sec. 5624-1. Boards of review for municipal corporations sitting as boards of equalization and revision, shall have and exercise, in so far as the same may be applicable, all the powers and perform all the duties, and be governed by the same rules and limitations, conferred or imposed by law upon annual county boards of equalization of real and personal property, moneys and credits and quadrennial county boards of equalization of real property outside of cities, and such boards sitting as boards of revision; and such authority, power, rules and limitations are hereby made applicable and extended to and imposed upon such boards of review, sitting as boards of equalization or revision, when reconvened by order of the tax commission of Ohio as provided in section 5542-9a of this act. Boards of review; their powers and duties.

SECTION 2. That said original section 5542-9 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Passed Feb'y 28th, 1911.
Approved March 2nd, 1911.

JUDSON HARMON,
Governor.
14

[House Bill No. 58.]

AN ACT

To authorize the trustees of the Ohio Soldiers' and Sailors' Home to make an expenditure of unclaimed moneys.

WHEREAS, Unclaimed money in the sum of three thousand dollars ($3,000.00) or more has accumulated in the treasury of the Ohio Soldiers' and Sailors' Home in Erie county, Ohio, and

WHEREAS, The trustees of said Ohio Soldiers' and Sailors' Home have no legal right or authority to use or expend said money or any part thereof for any purpose whatever, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of the Ohio Soldiers' and Sailors' Home be, and they are hereby, authorized to use and expend from said unclaimed money now in the treasury of said Ohio Soldiers' and Sailors' Home for the library of Expenditure of unclaimed money.

said Home, and for entertainment and amusement at said Home of the members thereof, a sum not exceeding fifteen hundred dollars ($1,500.00).

Account of expenditures.

SECTION 2. Said trustees shall keep a correct account of all expenditures from said unclaimed moneys and their annual report shall include a statement of the nature and amount of such expenditure.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Passed Feb'y 28th, 1911.
Approved March 3rd, 1911.

JUDSON HARMON,
Governor.
15

[House Bill No. 65.]

AN ACT

To supplement section 7915 of the General Code by the enactment of section 7915-1, providing for the exemption from taxation of real and personal property now or hereafter held in trust for the endowment, maintenance or aid of a municipal university or college.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7915 of the General Code be supplemented by the enactment of section 7915-1 to read as follows:

Exemption from taxation.

Sec. 7915-1. All such property, personal or mixed, or real property located within the county in which an university, college or other educational institution of any municipal corporation is located, heretofore or hereafter so given to or received by the board of directors of a university, college or other educational institution of any municipal corporation, the rents, issues, profits and income of which are used exclusively for the use, endowment or support of a university, college or other educational institution of any municipal corporation, shall be exempted from taxation so long as such property or the rents, issues, profits or income thereof is used for and exclusively applied to the endowment or support of such university, college or other educational institution of such municipal corporation.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Feb'y 22nd, 1911.
Approved March 6th, 1911.

JUDSON HARMON,
Governor.
16

[House Bill No. 39.]

AN ACT

To amend Section 3946 of the General Code, relating to the power of Municipal Corporations to issue bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3946 of the General Code, be amended so as to read as follows:

Sec. 3946. Bonds to be paid for by assessments specially levied upon abutting property, bonds issued for the purpose of purchasing, constructing, improving and extending waterworks when the income from such waterworks is sufficient to cover the cost of all operating expenses, interest charges and to pass a sufficient amount to a sinking fund to retire such bonds when they become due, and bonds issued prior to April 29, 1902, shall not be considered in ascertaining such limitations.

Certain bonds not within limitations.

SECTION 2. That said original section 3946 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Feb'y 22nd, 1911.
Approved March 7th, 1911.

JUDSON HARMON,
Governor.
17

[Senate Bill No. 57.]

AN ACT

To provide a depository for state funds.

Be it enacted by the General Assembly of the State of Ohio:

Section 321. SECTION 1. There shall be a board of deposit, consisting of the treasurer of state, superintendent of banks and attorney general, which officers shall perform the duties herein prescribed. The treasurer shall be chairman of said board. The cashier of the state treasury shall be the secretary to the board and shall keep its records. A duly certified copy of such records shall be prima facie evidence of the matter appearing therein in any court of record.

Board of deposit officers.

Evidence.

Section 322. SECTION 2. The necessary expenses of the board of deposit for books, stationery, printing and postage shall be paid from the state treasury from a fund appropriated for that purpose upon the order of the board certified by the chairman and secretary; but such expenses shall not exceed $1,000.00 in any one year.

Expenses; how paid.

Section 323. Meetings. Designation of depositories.

SECTION 3. It shall be the duty of said board to meet on the first Monday in April, 1911, and every two years thereafter, or as often as is necessary at the call of the chairman, after this bill becomes operative, and designate such national banks within the state and banks and trust companies doing business within this state, and incorporated under the laws thereof as the board deems eligible to be made state depositories.

Section 324. Applications.

SECTION 4. Application of banks and trust companies to be made a state depository for the deposit of moneys of the state shall be made in writing and be filed with the chairman of the board of deposit. Such application shall contain a sworn statement showing the financial condition of the bank or trust company at the date of the application. Such application shall also specify the kind of bond or bonds it will furnish as security.

Section 325. Action of board.

SECTION 5. Applications of banks and trust companies shall be carefully considered by the board of deposit and its action on each application considered shall be endorsed thereon by the words "Approved" or "Rejected" and signed by each member of the board or a majority thereof. A bank or trust company whose application has been considered by the board and approved as herein provided shall be eligible to be a state depository.

Section 326. Reserve in treasury.

SECTION 6. Treasurer of state shall not keep at any one time more than fifty thousand dollars ($50,000.00) as a reserve in the treasury vault, and all other moneys of the state shall be deposited as hereinafter provided.

Section 327. Active and inactive depositories.

SECTION 7. There shall be two classes of depositories; one shall be known as active depositories and the other as inactive depositories. The treasurer of state may designate one or more banks or trust companies, or either of them located in Columbus, Ohio, eligible under the provisions of this act as active depositories; money deposited in the inactive depositories shall be used when money in the active depositories shall not be sufficient.

Section 328. Competitive bidding.

SECTION 8. All awards for the deposit of state funds shall be made upon competitive bidding; bids shall be received by the treasurer of state every two years, beginning between one o'clock p. m. on the first Monday in March and closing at one o'clock p. m. on the third Monday in March, 1911, and every two years thereafter.

Section 329. Bids opened in public.

SECTION 9. Each bid shall state whether it is for an active or inactive deposit, amount bid for and rate of interest, and must be accompanied by an application and shall be sealed and plainly marked on the outside "BID FOR DEPOSIT." Beginning at one o'clock p. m. on the third Monday in March of each bidding period the bids shall be opened by the treasurer of state at his office in the presence of the public; all bids shall be preserved and be open to public inspection at all times.

Section 329-1. Rejection.

SECTION 10. Evidence of a combination among bidders shall be deemed just cause for the rejection of any or all bids.

Section 330. SECTION 11. After bids have been opened the treasurer of state shall on or before the first Monday in April of each bidding period award the state funds to the highest bidders. The treasurer of state shall deposit the state funds in such banks and trust companies after such applications have been approved by the board of deposit. Should additional state funds become available at any time during the two years or until the next bidding period, it shall be awarded to the highest bidders; first to the banks and trust companies from which deposits have been withdrawn to meet obligations of the state, second to those who failed to receive the full amount of their original award, and then the next highest bidders.

Award.

Duty of treasurer.

Section 330-1. SECTION 12. No bank or trust company shall have on deposit at any one time more than its paid in capital stock and in no event more than three hundred thousand dollars ($300,000.00) as an inactive deposit.

Limitation on deposits.

Section 330-2. SECTION 13. The treasurer of state may withdraw any or all of the state funds on deposit for the purpose of paying the appropriations and the obligations of the state; when necessary to withdraw funds from the inactive depositories it shall be withdrawn from the banks and trust companies paying the lowest rates of interest and in proportional amounts as near as practicable.

Withdrawals.

Section 330-3. SECTION 14. The treasurer of state before making such deposits shall require that each and every approved bank or trust company to deposit with him United States government bonds, bonds of this state, county, township, school district, road district, or municipal bonds of this state at not less than their par value, in an amount equal to the amount of money to be deposited with such banks or trust companies, or surety company bonds, which when executed shall be for an amount equal to the amount deposited plus 5%, conditional for the receipt and safe keeping and payment over to the treasurer of state or his written order of all moneys which may come into the custody of such bank, or trust company under and by virtue of this act, and the interest thereon when paid shall be turned over to the bank or trust company so long as it is not in default. And further, said bonds so given shall include a special obligation to settle with and pay to the treasurer of state for the use of the state interest upon daily balances on said deposit or deposits, at the rate bid for, but not less than 3% per annum for inactive deposits and 2% per annum for active deposits (on a 365 day basis) payable quarterly on the first Monday of February, May, August and November of each year, or any time when withdrawals are made or the account is closed.

Securities specified.

Interest on daily balances. Payable quarterly.

Section 330-4. SECTION 15. Said banks and trust companies shall also file with the treasurer of state demand certificates of deposit in an amount equal to the total amount of the deposit and specify rate of interest to be paid. Said certificates shall be signed by the cashier or a duly authorized officer of said bank or trust company.

Demand certificates.

Section 330-5. Blank forms.

SECTION 16. All surety company bonds and certificates of deposit shall be made out on blank forms furnished by the treasurer of state. Said blank forms shall be approved by the attorney general.

Section 330-6. Sale of securities; when. Notice.

SECTION 17. If, on demand or order of the treasurer of state, a state depository fails or refuses to pay over the deposit, or any part thereof made therein as provided by law, the treasurer of state shall sell at public sale any or all of the bonds deposited with him as collateral security for such deposits. Thirty days notice of such sale shall be given in a newspaper published and of general circulation at the seat of government. Surety bonds shall contain a clause obligating said surety company to pay and settle with the state the amount due in full including interest within sixty days after notice is given.

Section 330-7. Transfer of bonds. Title. Surplus.

SECTION 18. When a sale of bonds has been made by the treasurer of state, and upon payment to him of the purchase money, the chairman and secretary of the board of deposit shall transfer such bonds whereupon the absolute ownership of the bonds shall pass to the purchasers thereof. Any surplus remaining after deducting the amount due the state and expenses of sale shall be paid to the bank or trust company making the deposit.

Section 330-8. Non-liability of treasurer.

SECTION 19. The treasurer of state shall not be personally liable for moneys lost by reason of the failure or insolvency of a bank or trust company selected as a state depository in accordance with law.

Section 330-9. Records and accounts.

SECTION 20. The treasurer of state shall keep in his office a record showing an account with each depository, both active and inactive, under which, entry shall be made showing the amounts of each deposit, the date of each, the rate of interest and withdrawals, the date thereof and the balance on deposit. Each such account to show the date and amount of interest received during each paying period.

Section 330-10. Daily statement to auditor of state.

SECTION 21. The treasurer of state shall make out and transmit daily to the auditor of state a statement of the condition of all moneys in his hands and under his control of each day's business, and a copy thereof shall be transmitted at the same time to the governor. Such statement required shall show the amount in the inactive account, the amount in the active account, the amount of cash on hand, which shall include the amount in checks, drafts, postoffice orders and other evidences of money and also the total of such items.

Section 330-11. Surety.

SECTION 22. No person engaged or interested in the banking business as stockholder or otherwise, shall be accepted or approved as surety on the bond of the treasurer of state. If said officer gives a surety company bond the annual premium, or premiums accruing thereon after the passage of this act shall be paid out of the funds in his hands on the approval of the governor, and there shall be appropriated out of any money in the state treasury to the credit of the general revenue fund not otherwise appro-

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, Attorney General.

priated, but the amount shall not exceed eighteen hundred dollars ($1,800.00) dollars in any one year.

SECTION 23. That sections 321, 322, 323, 324, 325, 326, 327, 328, 329 and 330 of the General Code are hereby repealed. Repeals.

SECTION 24. This act shall take effect and be in force from and after the third Monday in March, 1911.

S. J. VINING,
Speaker of the House of Representatives.

WM. GREEN,
President pro tem. of the Senate.

Passed March 7th, 1911.
Approved March 7th, 1911.

JUDSON HARMON,
Governor.
18

[House Bill No. 241.]

AN ACT

To amend section 4682 of the General Code relating to villages with less than one hundred thousand tax valuation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4682 of the General Code be amended to read as follows:

Sec. 4682. A village, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, with a tax valuation of less than one hundred thousand dollars, shall not constitute a village school district, but the proposition to dissolve or organize such village school district shall be submitted by the board of education to the electors of such village at any general or a special election called for that purpose, and be so determined by a majority vote of such electors. Village, with less than one hundred thousand tax valuation, not a village school district. Vote to organize village school district.

SECTION 2. That said original section 4682 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

ATLEE POMERENE,
President of the Senate.

Passed Feb'y 28th, 1911.
Approved March 6th, 1911.

JUDSON HARMON,
Governor.
19

[Senate Bill No. 18.]

AN ACT

To provide for the teaching of agriculture in the common schools of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 7761-1.

Agriculture to be taught in common schools.

SECTION 1. That agriculture be added to and made one of the branches of education to be taught in the common schools of the state of Ohio; and that said branch of agriculture shall be taught in all the common schools of said state of Ohio, which schools are supported in whole or in part by the state; in any village, township or special school district; provided however, that the provisions of this act shall not apply to city school districts of said state.

Exception.

Section 7761-2.

Four districts; how composed.

SECTION 2. That the state of Ohio be divided into four agricultural districts to be mapped out, located and defined by the state commissioner of common schools of said state of Ohio; provided however, that said agricultural districts shall be made up and composed of counties which are contiguous and that no county in the state shall be divided in the laying out of said districts so that part of said county shall be included in one of said agricultural districts and part in another district.

Section 7761-3.

District supervisors; duties.

SECTION 3. That the state commissioner of common schools shall superintend all such agricultural education in Ohio designated in Section 1 of this act, and shall have full power to, and shall appoint in each and every one of said agricultural districts, so mapped out and designated by him, a person to be known as a district supervisor of agriculture whose duty it shall be to visit and co-operate with the several boards of education in his respective district in mapping out such a course of study in agriculture as they may think best adapted to the wants and needs of the people of the respective school districts; to visit the county teachers institute in every county in his district and give public instruction in the teaching of agriculture to the teachers of the several schools designated in Section 1 of this act; to co-operate with the state board of agriculture and give the state such time as may be necessary to lecture on agriculture subjects as they may be applied to the schools designated in Section 1 of this act at least once a year in every county in his agricultural district; to encourage county agricultural societies in each county of his agricultural district in establishing school children's agricultural exhibits at each annual county fair; to make regular reports to the state commissioner of common schools at the end of each month, relating to the promotion of agricultural education in the schools designated in Section 1 of this act, in their respective agricultural districts; and to make such other and further reports to said state school commissioner

and to perform such other and further duties for the promotion of agricultural education in said schools, as the said state school commissioner may direct.

Section 7761-4. SECTION 4. That the appointments of persons to fill the offices of district supervisors of agriculture as designated and defined in Section 3 of this act shall be made on the first Monday of August, 1911, and biennially thereafter, and the persons so appointed district supervisors of agricultural education shall serve for two years from date of appointment and not more than two of them shall be of the same political party. Appointment; term. Non-partisan.

Section 7761-5. SECTION 5. That each and every one of said district supervisors of agricultrual education designated and provided for in this act shall receive an annual salary of two thousand dollars ($2,000.00) and his necessary traveling expenses not to exceed one thousand dollars ($1,000.00) per annum. Salary.

Section 7761-6. SECTION 6. That any district supervisor of educational agriculture provided for in this act may be dismissed from said office by the state commissioner of common schools for incompetency, immorality or neglect of duty, but no such district supervisor shall be dismissed without just cause, when he is known to be making a success of his work. Dismissal.

Section 7761-7. SECTION 7. That whenever any of the district supervisors of agriculture provided for in this act removes from the district from which he was appointed, his office shall be declared vacant by the state commissioner of common schools and whenever vacancies occur in the office of district supervisor of agriculture in any district provided for in this act, caused by death, resignation, removal from office, removal from the district for which he was appointed, or from any other cause, said vacancies shall be filled by the said state commissioner of common schools. Removal vacates office. Vacancies.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 8. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

SECTION 9. That this act shall take effect and be in force from and after the last Monday in July of the year 1911.

S. J. VINING,
Speaker of the House of Representatives.

ATLEE POMERENE,
President of the Senate.

Passed Feb'y 28th, 1911.
Approved March 11th, 1911.

JUDSON HARMON,
Governor.

20

[House Bill No. 16.]

AN ACT

To amend sections 3615 and 3631 of the General Code, relating to leasing of lands by municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3615 of the General Code be amended to read as follows:

General powers of municipalities.

Sec. 3615. Each municipal corporation shall be a body politic and corporate, which shall have perpetual succession, may use a common seal, sue and be sued, and acquire property by purchase, gift, devise, appropriation, lease, or lease with the privilege of purchase, for any municipal purpose authorized by law, and hold, manage and control it and make any and all rules and regulations, by ordinance or resolution, that may be required to carry out fully all the provisions of any conveyance, deed or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property.

Parks, public grounds; purchase, lease, etc.

Sec. 3631. To hold and improve public grounds, parks, park entrances and boulevards, and to protect and preserve them. To acquire by purchase, lease, or lease with privilege of purchase, gift, devise, condemnation or otherwise and to hold real estate or any interest therein and other property for the use of the corporation and to sell or lease it.

SECTION 2. That said original sections 3615 and 3631 are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 7th, 1911.

This bill was presented to the Governor March 7th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State March 24th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 5.]

AN ACT

To amend section 11418-1, of the general code, as passed April 12, 1910, relating to the drawing of juries in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11418-1, of the general code, as passed April 12, 1910 (O. L. Vol. 101, pages 107 and 108), be amended so as to read as follows:

Sec. 11418-1. In any civil case pending in the court of common pleas of any county, wherein the parties thereto may be entitled to a trial by jury, if it shall appear that the board of county commissioners or the board of infirmary directors of such county, in which such action is pending, is a party thereto, the court, or a judge thereof, upon the application of either party, shall certify such fact to the clerk of such court of common pleas in any adjoining county, together with the time fixed for the trial of said case, and the number of jurors to be drawn; and shall order such clerk to draw from the jury wheel the number of names of persons so certified to serve as jurors in the trial of such cases in such other county. The venire shall be issued to the sheriff of the county from which such jury is drawn, and shall be served, and the same shall be done in like manner, and subject to the same proceedings, as are provided by law for the summoning of other petit jurors. And such persons so drawn and summoned shall, in obedience to such summons, appear in the court of the county in which such action may be pending to serve as jurors therein, being empaneled and subject to challenge the same as in other civil cases. * * * * * For their services as such jurors there shall be allowed three dollars to each juror for each day of service * * * * * and mileage as in other cases, and all costs, including the costs incident to the drawing, issuing and service of the venire shall be paid from the county treasury in which such action is pending upon certificate by the clerk of the court of such county as to the service and mileage of said jurors, and to the officers performing such services, upon the certificate of such officers. This section shall apply to pending actions.

Jury drawn from adjoining county; when.

Jurors, fees, mileage, services, etc.

SECTION 2. Said original section 11418-1 of the general code is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 7th, 1911.

This bill was presented to the Governor March 7th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, ex-

clusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State March 24th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
22

[House Bill No. 278.]

AN ACT

To amend section 5189 of the General Code, relative to units of the national guard.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5189 of the General Code, be amended so as to read as follows:

Ohio national guard; what shall constitute.

Sec. 5189. The Ohio national guard shall consist of not more than one hundred companies of infantry, four batteries of artillery, four troops of cavalry, one band for each organized regiment and separate battalion, a medical department, a signal corps, a corps of engineers, the governor's staff, and the staff officers and non-commissioned staff officers provided in section fifty-one hundred and ninety-one. All of such troops shall be allotted and apportioned to such localities as the necessities of the service, in the opinion of the governor, may require.

Apportionment.

SECTION 2. That said original section 5189 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Pased March 28th, 1911.
Approved March 28th, 1911.

JUDSON HARMON,
Governor.
23

[Senate Bill No. 90.]

AN ACT

To amend section 5261 of the general code, relative to the cost of armories.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5261 of the general code be amended to read as follows:

Maximum expenditure for armories.

Sec. 5261. The maximum amount to be expended by the state for the building or purchase of an armory for a

company or single organization, shall not exceed twenty thousand dollars, and ten thousand dollars additional thereto for each organization or headquarters provided for. In no city or village shall more than one building be erected or purchased until provisions have been made for all organizations therein, nor shall a building be leased or rented for the use of a company or single organization in excess of six hundred dollars per year for each organization provided for. Maximum rent.

SECTION 2. That said original section 5261 of the general code be and the same is hereby repealed.

S. J. VINING
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 22nd, 1911.
Approved March 27th, 1911.

JUDSON HARMON,
Governor.
24

[House Bill No. 62.]

AN ACT

To amend section 2968, of the General Code, relative to providing for the relief of the needy blind, and to supplement section 2967, by the enactment of an additional section known as section 2967-1, relative to providing for the relief of the needy blind.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2968, of the General Code, be amended so as to read as follows, and that there be enacted a supplementary section to be designated as section 2967-1:

Sec. 2968. At its annual meeting the commission shall make examination as to the qualifications of any one on the blind list and increase or decrease the allowance within the limits herein prescribed. If not satisfied that the person on the list is qualified to draw any money it shall entirely remove him from the list and shall forthwith notify the auditor of such action. And the commission may at any meeting during the year inquire into the qualifications, and examine as to the disability and needs of any person theretofore placed on such blind list, and in case it find that any person is not qualified to draw further relief, or that such disability has been removed, in whole or in part, then such commission may at any time thereafter during such year, modify or change the amount theretofore found necessary for such relief, or remove such person from the list qualified to draw any money for relief, and it shall forthwith notify the county auditor of their action so taken. Increase or decrease allowance. Removal from list.

SECTION 2967-1. If the commission in the examination

of the qualifications of any person filing a claim for relief hereunder, or who may have been allowed relief by it, shall determine upon the evidence of a registered physician and surgeon, that any person or persons making such claim or then on such list, might have such disability benefited or removed by proper surgical operation or medical treatment, and such person entitled to such relief files his consent in writing thereto, then, the commission may expend for the purpose of such surgical operation or medical treatment, all or any portion of the relief which the commission may award to such person for one year under the provisions of this act, and in such case the warrant of the county auditor shall be issued direct to the persons entitled to pay for such surgical operation or medical treatment upon the certificate of the commission, instead of being payable quarterly to the persons entitled to such relief.

Surgical operation on evidence of physician.

How paid.

SECTION 2. That said original section 2968, of the General Code, be, and the same hereby is repealed.

S. J. VINING
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Mch 15th, 1911.

This bill was presented to the Governor March 15th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State March 30th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
25

[Senate Bill No. 12.]

AN ACT

To amend sections 4411, 4412 and 4484 of the general code and to repeal said original sections, extending the merit system to employees of the board of health in municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4411, 4412 and 4484 of the general code be amended to read as follows:

Sec. 4411. The board may also appoint * * * * * as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation require, and such persons shall have general police powers, and be known as the sanitary police, but the council may determine the maximum number of employees so to be appointed.

Sanitary police; powers; number.

Sec. 4412. The board shall have exclusive control of its appointees, define their duties and fix their salaries, but

Salaries and duties.

no member of the board of health shall be appointed as health officer nor shall a member of the board of health not the health officer be appointed as one of the ward physicians. * * * * * The board may suspend, but not remove, any member of the sanitary police now serving or hereafter appointed for cause authorizing the dismissal of any person in the classified service, and shall certify such fact together with the cause of such suspension, to the civil service commission, who, within five days from the receipt thereof, shall proceed to inquire into the cause of such suspension and render judgment thereon and such judgment in the matter shall be final. Suspension. Hearing.

Sec. 4484. Nothing herein shall prevent the dismissal or discharge of any appointee by the removing board or officer, except that the chiefs and members of the police and fire departments and of the sanitary police shall be dismissed only as provided by law and the appeal therefrom shall be made to the civil service commission under such rules as the commission may adopt. Dismissal. Appeal.

SECTION 2. Said original sections 4411, 4412 and 4484 of the general code are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 15th, 1911.
Approved March 27th, 1911.

JUDSON HARMON,
Governor.
26

[Senate Bill No. 23.]

AN ACT

To supplement section 1654 of the general code by adding section 1654-1 to provide a trial judge in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1654 of the general code be supplemented as follows:

Sec. 1654-1. When the judge of the probate court exercising jurisdiction in any criminal prosecution against any person under section 1654, except a delinquent minor, has sentenced the accused, and said sentence has been reversed by reviewing court on the filing of an affidavit by the accused or his attorney, setting forth the fact of such reversal, the said judge shall enter the fact of such filing on the criminal record in such cause, and shall forthwith certify the original papers to the common pleas court of the county in which the same is pending, and thereupon said common pleas court shall try the same in the manner provided for the trial of such cause in said probate court, and Affidavit for reversal. Entry. Trial; judgment.

upon final judgment, the clerk shall deliver to the probate court from which they came, the original papers, and shall make and file therein an authenticated transcript of the orders, judgments and proceedings of said court of common pleas, and when said transcript is so filed, said orders, judgments and proceedings shall have the same effect and be recorded and enforced by said probate court as if the same were made and rendered by said probate court. The affidavit herein referred to shall be filed not less than three days prior to the time said cause is set for trial in said probate court, and, unless the accused consent, the same shall not be tried until he or his attorney, shall have had at least four days notice of the time set for trial.

Transcript.

Time of filing affidavit.

SECTION 2. This act shall apply to pending criminal prosecutions and proceedings.

S. J. VINING.
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 15th, 1911.

This bill was presented to the Governor March 15th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State March 30th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
27

[House Bill No. 131.]

AN ACT

To further supplement section 779 of the General Code, and to provide for an appendix to the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 779 of the General Code be supplemented by the enactment of supplemental section to be known as section 779-2 as follows:

Appendix to Code.

Sec. 779-2. The attorney general shall prepare an appendix to the General Code. He shall collate and classify such acts and parts of acts not included in the General Code, or enacted subsequent to the adoption thereof, as he deems proper, and arrange them under suitable titles, divisions, chapters and sections with head notes briefly expressive of the matter contained and with marginal notes of the contents of each section with reference to the original act from which it is compiled. He shall prepare an index to every part of the appendix so compiled and arranged. The expense of the preparation of such appendix and index

Marginal notes.

Index.

Expense; distribution.

thereto shall be paid by the attorney general from moneys appropriated for special counsel. Such appendix shall be printed, bound, sold and the proceeds thereof distributed as provided in the last preceding section. The contract therefor need not be advertised and let as provided in such section if the printing and binding can be obtained at a rate of cost not to exceed that paid for the General Code.

S. J. VINING.
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved March 31st, 1911.

JUDSON HARMON,
Governor.

28

[House Bill No. 258.]

AN ACT

To amend section 7753 of the General Code relating to school inspectors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7753 of the General Code be amended to read as follows:

Sec. 7753. To aid in the recognition and classification of high schools, established or seeking recognition in accordance with the provisions of this chapter, the state commissioner of common schools shall appoint two competent inspectors. Under the orders and supervision of the commissioner of schools such inspector shall make examinations of any public schools in the state, visit teachers' institutes, confer with various school authorities and assist the state commissioner of common schools in such other ways as he may direct. The term of the inspectors now holding office shall continue until the third Monday in July following the expiration of their present terms, and thereafter one of such inspectors shall be appointed on the third Monday of each July to hold office for two years and until his successor is appointed and qualified. Such inspectors shall be paid an annual salary of two thousand dollars.

Aid; classification of high schools.

Two inspectors.

Duties; term; salary.

SECTION 2. That said original section 7753 of the General Code be and the same is hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 10th, 1911.
Approved Apr. 11th, 1911.

JUDSON HARMON,
Governor.

29

[House Bill No. 137.]

AN ACT

To amend section 3750 of the General Code relative to requiring street railway companies to sprinkle their rights of way.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3750 of the General Code be amended to read as follows:

Sec. 3750. Upon failure of any interurban or street railway company after sixty days' notice to the person having charge or management of such interurban or street railway company in such municipality, to comply with the provisions of such resolution, the municipality may do such sprinkling or contract therefor, through its proper officials in accordance with the laws relating to contracts, and the cost thereof shall be charged against such interurban or street railway company so directed to sprinkle, and shall be a lien upon all the real estate and leasehold interest of such interurban or street railway company within the county wherein such municipality is situate, and such charge and cost together with a penalty of twenty-five dollars for each and every day of failure on the part of such interurban or street railway company to sprinkle as required, may be collected in any court of competent jurisdiction or the lien enforced in the manner provided by law. All charges, costs and penalties collected under the provisions of this section shall be paid into the general fund of the municipality to be disposed of as the council thereof may direct.

Municipality may contract; when.

Cost and penalty; a lien.

SECTION 2. That said original section 3750 of the General Code be, and the same is hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed March 30th, 1911.
Approved April 11th, 1911.

JUDSON HARMON,
Governor.

30

[House Bill No. 151.]

AN ACT

To amend section 7681 of the General Code, relative to the admission of youth to the public schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7681 of the General Code, be amended to read as follows:

Sec. 7681. The schools of each district shall be free to all youth between six and twenty-one years of age, who are

Free schools.

children, wards, or apprentices of actual residents of the district, including children of proper age who are inmates of a county or district children's home located in such a school district, at the discretion of its board of education, but the time in the school year at which beginners may enter upon the first year's work of the elementary schools shall be subject to the rules and regulations of the local boards of education. But all youth of school age living apart from their parents or guardians and who work to support themselves by their own labor, shall be entitled to attend school free in the district in which they are employed. Beginners.

SECTION 2. That said original section 7681 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed March 30th, 1911.
Approved April 11th, 1911.

JUDSON HARMON,
Governor.

31

[House Bill No. 176.]

AN ACT

To amend sections 7823 and 7846 of the General Code, as amended May 10, 1910. (101 O. L. 305-306), relative to teachers' professional certificates.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7823 and 7846 of the General Code, as amended May 10, 1910. (101 O. L. 305-306), be amended so as to read as follows:

Sec. 7823. Applicants for five-years' or eight-years' certificates shall have had not less than forty month's experience in teaching and shall make not less than eighty-five per cent. in any branch and a general average of not less than ninety-two per cent. All five-years' and eight-years' certificates shall be regarded as professional certificates, and shall be renewed without examination at the discretion of the examining board, except that no such certificate will be renewable if the holder thereof has not been actively engaged in teaching within the four years preceding. Such professional certificate shall be valid in any county in the state. Professional certificates. Renewable.

Sec. 7846. Applicants for five-years' and eight-years' certificates shall have had not less than forty months' experience in teaching and shall make not less than eighty-five per cent. in any branch and a general average of not less than ninety-two per cent. All five-years' and eight-years' certificates shall be regarded as professional certifi- Experience. General average.

cates and be renewed without examination at the discretion of the examining board, except that no such certificate will be renewable if the holder has not been actively engaged in teaching within the four years preceding.

SECTION 2. That said original sections 7823 and 7846 of the General Code, as amended May 10, 1910. (101 O. L. 305-306), be and the same are hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed March 30th, 1911.
Approved April 11th, 1911.

JUDSON HARMON,
Governor.

32

[House Bill No. 145.]

AN ACT

To amend section 1416 of the General Code, relative to the killing of squirrels.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1416 of the General Code be amended so as to read as follows:

Open season.

Sec. 1416. No person shall catch, kill, injure or pursue a squirrel except from the fifteenth day of September to the twentieth day of October, both inclusive.

At no time shall any person kill or injure more than five squirrels in any one day.

SECTION 2. That said original section 1416 be and the same is hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved April 8th, 1911.

JUDSON HARMON,
Governor.

33

[House Bill No. 68.]

AN ACT

To amend sections 3447 and 3454 of the General Code relating to the care of township cemeteries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3447 and 3454 of the General Code be amended so as to read as follows:

Cemetery plat.

Sec. 3447. The trustees shall have such cemetery laid out in lots, avenues and paths, number the lots and have a suitable plat thereof made, which shall be carefully kept by

the township clerk. They shall make and enforce all needful rules and regulations for its division into lots, and the allotment thereof to families or individuals, and for the care, supervision and improvement thereof, and they shall require the grass and weeds to be cut and destroyed at least twice each year in all such cemeteries. Suitable provision shall be made therein for persons whose burial is at the expense of the township. Care and supervision.

Sec. 3454. A township trustee who neglects or refuses to perform the duties required of him under sections 3447, 3452 and 3453 shall be fined not less than five nor more than twenty dollars, to be recovered by action in the name of any taxpayer resident of the township in which such cemetery is located, for each offense. Within ten days after such fine is collected, it shall be paid to the treasurer of the township, to be applied by the trustees in repairing such cemetery or burying grounds. Penalty.

SECTION 2. That said original sections 3447 and 3454 of the General Code be, and the same are hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved April 8th, 1911.

JUDSON HARMON,
Governor.

34

[Senate Bill No. 78.]

AN ACT

To amend section 1532 of the general code, relative to the commencement of terms of judges of the court of common pleas.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1532 of the general code be amended to read as follows:

Sec. 1532. Each judge of the court of common pleas shall be chosen in an even numbered year, and hold his office for six years, commencing on the expiration of the term of his predecessor as fixed by law. When chosen; term.

SECTION 2. That said original section 1532 of the general code be and the same is hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved Apr 8th, 1911.

JUDSON HARMON,
Governor.

35

[House Bill No. 91.]

AN ACT

To amend section 3093 of the General Code relative to the guardianship of trustees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3093 of the General Code be amended to read as follows:

Sec. 3093. All inmates of such home who by reason of abandonment, neglect, or dependence have been admitted, or who have been by the parent or guardian voluntarily surrendered to the trustees, shall be under the sole and exclusive guardianship and control of the trustees during their stay in such home, until they are eighteen years of age, and if such child is placed out, indentured or adopted, such control shall continue until such child becomes of lawful age.

Guardianship and control of inmates.

SECTION 2. That said original section 3093 be and the same is hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved April 8th, 1911.

JUDSON HARMON,
Governor.
36

[House Bill No. 216.]

AN ACT

To amend section 8025 of the General Code, relating to the consent of president and vice-president of the board of directors of children's home in adoption of children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8025 of the General Code, be amended to read as follows:

Sec. 8025. When such child is an inmate of an orphan asylum, or children's home, organized under the laws of this state, and has been previously abandoned by its parents or guardians, or voluntarily surrendered by its parents or guardians to the trustees or directors of such asylum, or children's home, then the written consent of the president, or in his absence or disability, the vice-president, of the board of trustees or directors of such asylum, or children's home, shall be received by the probate court in place of the consent of the parents or guardians.

Consent.

SECTION 2. That said original section 8025 of the General Code be, and the same is hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved April 8th, 1911.

JUDSON HARMON,
Governor.
37

[Senate Bill No. 61.]

AN ACT

To amend sections 1003 and 1004 of the general code, providing for the regulation of workshops and factories.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1003 and 1004 of the general code be amended so as to read as follows:

Sec. 1003. Every manufacturer of the state shall within three days after the happening of any accident in his establishment resulting in death, or bodily injury of such a nature that the person injured does not return to his or her employment in said establishment within two or more days after the occurrence of the accident, shall forward by mail to the chief inspector of workshops and factories a report containing the following particulars in full: Report accident.

1. Name and address of manufacturer, (person, firm or corporation.) What to contain.

2. Nature of business in which manufacturer is engaged and place where accident occurred.

3. Name, address, sex, age and kind of employment of person killed or injured and whether such person is married or single.

4. Time of day deceased began work on day of accident, time of day accident occurred, and date of accident or death.

5. At what employed when killed or injured, whether such person was familiar with the work at which engaged or the machinery which he was operating and whether such machinery was in good order and guarded so as to prevent accident under ordinary circumstances. If such machinery was not guarded, reasons for not guarding the same.

6. Description of manner in which such person was killed or injured.

7. Description of nature and extent of injury.

8. Number of persons deprived of support in consequence of such death or injury.

Such manufacturer shall, in all cases of death within six months after the accident, or in case the person injured returns to work in his establishment within six months after the accident, forward by mail to the chief inspector of workshops and factories within five days after such death or such return to work, or in case of no death or return to work within six months, then within five days after the expiration of such six months, a supplemental report which shall contain the following particulars in full:

Supplemental report.

1. Name and address of manufacturer.

2. Name, sex and age of person injured and date and place where accident occurred.

3. A correct statement of the amount of wages paid to such person at the time of such injury and the amount of wages lost during the period between the time of such accident and the time of forwarding such supplemental report.

4. The amount of compensation paid by such manufacturer by reason of such injury or death, the names of persons to whom such compensation was paid and a statement of reasons for paying such amounts to such persons.

Penalty.

Sec. 1004. Whoever violates or fails to comply with any requirement of the preceding section shall be fined not less than fifty dollars, nor more than one hundred dollars for the first offense, and not less than two hundred dollars nor more than five hundred dollars for each subsequent offense.

SECTION 2. That sections 1003 and 1004 of the general code of Ohio are hereby repealed.

S. J. VINING.
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved April 8th, 1911.

JUDSON HARMON,
Governor.
38

[House Bill No. 71.]

AN ACT

To amend sections 2433 and 2434 of the General Code, relative to the purchasing of land for court house, jail, infirmary, additional land for an infirmary, or detention home and the borrowing of money for such or certain other purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2433 and 2434 of the General Code of Ohio be amended to read as follows:

Purchase of site for court house, etc.

Sec. 2433. When, in their opinoin, it is necessary, the commissioners may purchase a site for a court house, or

jail, or land for an infirmary or a detention home, or additional land for an infirmary or county children's home at such price and upon such terms of payment, as are agreed upon between them and the owner or owners of the property. The title to such real estate shall be conveyed in fee simple to the county. Title.

Sec. 2434. For the execution of the objects stated in the preceding section, or for the purpose of erecting or acquiring a building in memory of Ohio soldiers, or for a court house, county offices, jail, county infirmary, detention home, or additional land for an infirmary or county children's home or other necessary buildings or bridges, or for the purpose of enlarging, repairing, improving, or rebuilding thereof, or for the relief or support of the poor, the commissioners may borrow such sum or sums of money as they deem necessary, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of the county to secure the payment of the principal and interest thereof. Power to borrow money and issue bonds.

Provided, that if the judge designated to transact the business arising under the jurisdiction provided for in section 1639 of the General Code of the State of Ohio, shall advise and recommend in writing to the county commissioners of any county the purchase of land for and the erection of a place to be known as a detention home, or additional land for an infirmary or county children's home, the commissioners without first submitting the question to the vote of the county may levy a tax for either or both of such purposes in an amount not to exceed in any one year two-tenths of one mill for every dollar of taxable property on the tax duplicate of said county. Limitation of levy.

SECTION 2. That sections 2433 and 2434 of the General Code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved April 8th, 1911.

JUDSON HARMON,
Governor.
39

[Senate Bill No. 41.]

AN ACT

To amend section 7149 of the general code, relative to the destruction of briers, brush, and weeds on toll, steam and electric roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7149 of the general code be amended to read as follows:

Destruction of noxious weeds along toll, steam and electric roads.

Sec. 7149. The superintendent, or manager of a toll, steam or electric road shall destroy, or cause it to be done, all brush, briers, burrs, vines, Russian, Canadian or common thistle, wild lettuce, wild mustard, wild parsnip, ragweed, milkweed, ironweed, and all other noxious weeds growing or being cut within the limits of such road, or within the limits of any right of way belonging to the company owning such road, whether or not such road is in actual operation on such right of way or not, between such days as are specified in section 7146. In default thereof, and for five days thereafter, the trustees of a township through which such road passes, shall cause it to be done, and shall have a right of action against such toll, steam or electric road company for the amount of such work, with one hundred per cent. penalty, and costs of action, to be recovered before any justice of the peace of such county.

Penalty.

SECTION 2. That said original section 7149 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved April 8th, 1911.

JUDSON HARMON,
Governor.
40

[House Bill No. 20.]

AN ACT

To restrict the use of the word "State" in the name or corporate title of banking companies.

Be it enacted by the General Assembly of the State of Ohio:

Section 9752-1.

SECTION 1. It shall be unlawful for any bank not organized or transacting business under the provisions of Part Second, Title 7, Division 5, Chapter 2, of the General Code, and all persons, corporations, firms or partnerships doing the business of bankers, brokers or savings institutions, not organized or transacting business under the provisions of this chapter, to use the word "State" as a portion of the name or title of such bank, corporation, firm, or partnership.

Use of word "State" restricted.

Section 9752-2.

SECTION 2. Any violation of the provisions contained in the preceding section shall subject the party chargeable therewith to a penalty of fifty dollars for each day during which it is committed or repeated, to be recovered with costs of suit in an action, to be prosecuted by the Superintendent of Banks, before any court having jurisdiction of such bank or of such person, corporation, firm or partner-

Penalty.

ship. All moneys collected for penalties under this section shall be paid into the state treasury, to the credit of the banking department fund.

The sectional numbers on the margin hereof are designated as provided by law.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved April 8th, 1911.

TIMOTHY S. HOGAN,
Attorney General.

JUDSON HARMON,
Governor.

41

[House Bill No. 112.]

AN ACT

To make appropriations for the purpose of carrying into effect the provisions of sections 3 and 4 of "An act to provide for the appointment of a commission to establish two normal schools and to provide for the maintenance thereof," approved May 19, 1910.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations

SECTION 1. That the sum of fifty thousand ($50,000.00) dollars be and is hereby appropriated for the erection of suitable buildings on the site selected for the normal school to be located at Kent, in the Northeastern part of Ohio, out of the general revenue fund of the state treasury to the credit of the trustees to be hereafter appointed by the governor as provided for in section 3 of "An act to provide for the appointment of a commission to establish two normal schools and to provide for the maintenance thereof," approved May 19, 1910.

Kent normal school.

SECTION 2. That the sum of fifty thousand ($50,000.00) dollars be and is hereby appropriated for the erection of suitable buildings on the site selected for the normal school to be located at Bowling Green, in the Northwestern part of Ohio, out of the general revenue fund of the state treasury to the credit of the trustees to be hereafter appointed by the governor as provided for in section 3 of "An act to provide for the appointment of a commission to establish two normal schools and to provide for the maintenance thereof," approved May 19, 1910. Provided that the sum to be expended in the establishment, construction, furnishing and equipment of each of said schools complete shall not exceed a total of two hundred and fifty thousand dollars, and the fifty thousand dollars hereby appropriated

Bowling Green normal school.

for each of said schools shall be included as a part of said total sum of two hundred and fifty thousand dollars.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed March 30th, 1911.
Approved Apr. 11th, 1911.

JUDSON HARMON,
Governor.
42

[House Bill No. 413.]

AN ACT

To authorize the state board of agriculture to collect and disseminate agriculture and rural district information.

Be it enacted by the General Assembly of the State of Ohio:

Section 1085-1. Rural district information.

SECTION 1. That the state board of agriculture may collect and disseminate such information relative to agriculture, agricultural labor, waste and uncultivated lands, undeveloped resources and decrease of rural population as it may deem wise for the purpose of promoting agricultural production within this state.

Section 1085-2. Duty of township assessor.

SECTION 2. The township assessing officer, in townships outside of cities and incorporated villages, shall furnish to the state board of agriculture upon request from it, upon blanks furnished by said board, such information as may be in their possession or may be obtained by them relative to the subjects mentioned in section one of this act, within their respective townships. Such information shall be obtained as nearly as possible by each assessing officer, while engaged in the performance of his other official duties. No additional expense shall accrue because of the provisions of this act. The service performed agreeable to this act shall be considered a part of the duties of township assessing officer. Before receiving compensation for services rendered as township assessing officer, each assessing officer shall file with the county auditor a written statement that, to the best of his ability, he has complied with the provisions of this act.

Statement.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28th, 1911.
Approved Apr. 8th, 1911.

JUDSON HARMON,
Governor.
43

[House Bill No. 144.]

AN ACT

To amend sections 2715, 2716 and 2736 of the General Code, and to supplement section 2715 by enacting 2715-1, relative to county depositaries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2715, 2716 and 2736 of the General Code be amended and supplemented so as to read as follows:

Sec. 2715. The commissioners in each county shall designate in the manner hereinafter provided a bank or banks or trust companies, situated in the county and duly incorporated under the laws of this state, or organized under the laws of the United States, as inactive depositaries, and one or more of such banks or trust companies located in the county seat as active depositaries of the money of the county. In a county where such bank or trust company does not exist or fails to bid as provided herein, or to comply with the conditions of this chapter relating to county depositaries, the commissioners shall designate a private bank or banks, located in the county as such inactive depositaries, and if in such county no such private bank exists or fails to bid as provided herein, or to comply with the conditions of this chapter relating to county depositaries, then the commissioners shall designate any other bank or banks incorporated under the laws of this state, or organized under the laws of the United States, as such inactive depositaries. If there be no such bank or trust company incorporated under the laws of the state, or organized under the laws of the United States, located at the county seat, then the commissioners shall designate a private bank, if there be one located therein, as such active depositary. No bank or trust company shall receive a larger deposit than one million dollars.

Active and inactive depositaries.

Commissioners to designate; when.

Limitation.

Sec. 2715-1. The deposits in active depositaries, as provided for in the next preceding section shall at all times be subject to draft for the purpose of meeting the current expenses of the county. The deposits in inactive depositaries shall remain until such time as the county treasurer is obliged to withdraw a portion or all of same and place it in the active depositary or depositaries for current use. Each bank or trust company, when submitting proposals as provided in section 2716 for the inactive deposits, shall stipulate the amount of money desired by such bank or trust company; and when the aggregate amount placed with all the banks and trust companies, qualifying for same, in any county, does not equal the amount that may be placed into inactive depositaries the county commissioners shall, upon securing sufficient additional security from any or all of such inactive depositaries authorize the county treasurer to

Time to remain.

Increase deposits; additional security.

increase the deposits therein; or such county commissioners shall in the manner herein provided designate a bank or banks or trust companies, located outside of the county in which the county treasurer shall deposit such excess funds.

Publication inviting sealed proposals.

Sec. 2716. When the commissioners of a county provide such depositary or depositaries, they shall publish for two consecutive weeks in two newspapers of opposite politics and of general circulation in the county a notice which shall invite sealed proposals from all banks or trust companies within the provisions of the next two preceding sections, which proposals shall stipulate the rate of interest, not less than two per cent. per annum on the average daily balance, on inactive deposits, and not less than one per cent. per annum on the average daily balance on active deposits, that will be paid for the use of the money of the county, as herein provided. Each proposal shall contain the names of the sureties or securities, or both, that will be offered to the county in case the proposal is accepted.

Rate on deposits.

Written notice; duty of treasurer.

Sec. 2736. Upon the receipt by the county treasurer of a written notice from the commissioners that a depositary, or depositaries, have been selected in pursuance of law, and naming the bank or banks or trust companies so selected, such treasurer shall deposit in such bank or banks or trust companies as directed by the commissioners, and designated as inactive depositaries to the credit of the county all money in his possession, except such amount as is necessary to meet current demands, which shall be deposited by such treasurer in the active depositary or depositaries. Thereafter before noon of each business day, he shall deposit therein all money received by him the preceding business day except as hereinbefore provided. Such money shall be payable only on the check of the treasurer.

When deposits made.

SECTION 2. That said original sections 2715, 2716 and 2736 of the General Code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed March 30th, 1911.
Approved April 11th, 1911.

JUDSON HARMON,
Governor.

44

[Senate Bill No. 88.]

AN ACT

To amend sections 5404 and 5405 of the general code, providing for returns for taxation by corporations generally.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5404 and 5405 of the General Code be so amended as to read as follows:

Sec. 5404. The president, secretary, and principal accounting officer of every incorporated company, except banking or other corporations whose taxation is specifically provided for, for whatever purpose they may have been created, whether incorporated by a law of this state or not, shall list for taxation, verified by the oath of the person so listing, all the personal property thereof, and all real estate necessary to the daily operations of the company, moneys and credits of such company or corporation within the state, at the true value in money.

Corporation returns.

Sec. 5405. Return shall be made to the several auditors of the respective counties where such property is situated, together with a statement of the amount thereof which is situated in each township, village, city, or taxing district therein. Upon receiving such returns, the auditor shall ascertain and determine the value of the property of such companies, and deduct from the aggregate sum so found of each, the value as assessed for taxation of any real estate included in the return. The value of the property of each of such companies, after so deducting the value of all the real estate included in the return, shall be apportioned by the auditor to such cities, villages, townships, or taxing districts, pro rata, in proportion to the value of the real estate and fixed property included in the return, in each of such cities, villages, townships, or taxing districts. The auditor shall place such apportioned valuation on the tax duplicate and taxes shall be levied and collected thereon at the same rate and in the same manner that taxes are levied and collected on other personal property in such township, village, city or taxing district.

Valuation by county auditor.

Apportionment.

SECTION 2. That said original sections 5404 and 5405 of the General Code be and the same hereby are repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 11th, 1911.
Approved April 12th, 1911.

JUDSON HARMON,
Governor.

45

[House Bill No. 377.]

AN ACT

To repeal sections 2897 and 3362 of the General Code, relating to the quadrennial enumeration of male inhabitants by assessors and the making of an abstract of the same by the clerk of common pleas court.

Be it enacted by the General Assembly of the State of Ohio:

Repeals.

SECTION 1. That sections 2897 and 3362 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 10th, 1911.
Approved April 12th, 1911.

JUDSON HARMON,
Governor.

46.

[Senate Bill No. 32.]

AN ACT

To amend section 3650 of the general code relating to the power of municipalities to abate any nuisance.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3650 of the general code be amended to read as follows:

Sec. 3650. To cause any nuisance to be abated, to prosecute in any court of competent jurisdiction, any person or persons who shall create, continue, contribute to or suffer such nuisance to exist; to regulate and prevent the emission of dense smoke, to prohibit the careless or negligent emission of dense smoke from locomotive engines, to declare each of the foregoing acts a nuisance, and to prescribe and enforce regulations for the prevention thereof; to prevent injury and annoyance from the same, to regulate and prohibit the use of steam whistles, and to provide for the regulation of the installation and inspection of steam boilers and steam boiler plants.

Power to abate nuisance and prevent injury.

SECTION 2. That said original section 3650 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed March 28, 1911.

This bill was presented to the Governor March 28, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented,

and was filed in the office of the Secretary of State April 14, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

47

[House Bill No. 201.]

AN ACT

To amend sections 1815-1, 1815-2, 1815-4, 1815-8 and 1815-10 of the General Code relating to the support of inmates of certain benevolent institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1815-1, 1815-2, 1815-4, 1815-8 and 1815-10 of the General Code be amended so as to read as follows:

Sec. 1815-1. When any person is committed to a state hospital for the insane, to the Longview hospital, to the Ohio Hospital for Epileptics, or to the Institution for Feeble-Minded, the judge making such commitment shall at the same time certify to the superintendent of such institution, and the superintendent shall thereupon enter upon his records the name and address of the guardian, if any appointed, and of the relative or relatives liable for such person's support under section 1815-9.

Judge shall certify name of guardian or relative.

Sec. 1815-2. The maximum rate for the support of inmates of such institution shall be three dollars and fifty cents per week. Less amounts may be accepted by the board when conditions warrant such action, or when offered by persons not liable.

Rate for support.

Sec. 1815-4. Such agent in making investigation shall have power to subpoena witnesses, take testimony under oath and to examine any public records relating to the estate of an inmate or of a relative liable for his or her support. All his information, conclusions and recommendations shall be submitted to the board of state charities. The board, or a committee thereof, appointed for that purpose, shall determine whether such relatives shall be required to pay for the support of such inmates or whether such charges shall be made against the estate of such inmate. An order shall be issued to the persons who are determined liable for such payments, requiring them to pay monthly, quarterly or otherwise, as may be arranged, to the board such amount as it or the committee shall deem proper, but no order shall be issued compelling payment for the care of an inmate prior to May 2nd, 1910. The board shall make all reasonable and proper efforts to collect such amounts, and in case of inability to collect for a period of six months, the attorney-general, upon the recommendation of the board of state charities, shall direct the prosecuting attorney of the proper county to collect or institute civil action in the name of the state of Ohio to recover the amount due, with interest. All moneys received, as herein provided, or by

Testimony.

Order for payment.

Collection.

suit instituted, shall be paid to the state treasurer and placed in the general revenue fund and a separate account kept thereof. The board shall appoint a competent person as cashier to receive and account for all moneys collected and to perform such other duties as may be assigned him. He shall receive an annual salary of not more than twelve hundred dollars and shall give a bond to the state of not less than $10,000, conditioned that he will faithfully perform his duties, and account for all moneys received by him. Such bond after approval by the board shall be filed at the office of the treasurer of state.

Cashier.

Salary.

Sec. 1815-8. In order to facilitate the investigation of the financial condition of the inmates in such state institutions, and of persons liable for their support, the board of state charities may, prior to February 15, 1913, employ assistant agents not to exceed five in number, who shall receive an annual salary of not more than fifteen hundred dollars, and necessary expenses; after such date not more than three assistant agents may be employed.

Assistant agents.

Sec. 1815-10. Upon the death of a person who is an inmate, or has been an inmate since the passage of this act, of any of the aforesaid institutions and who is possessed of property, it shall be the duty of the executor or administrator to ascertain from the board of state charities whether the deceased person was supported while an inmate, and if not, the board may present a claim for support, or for the balance due in case less than the maximum rate had been paid. Such claim shall be allowed and paid as other lawful claims against the estate; provided that the board may waive the presentation of any claim when in their judgment an otherwise dependent person will be directly benefited by the estate. It shall be lawful for the board to accept from a guardian or trustee of an inmate a contract agreeing to pay to the state from the property of his ward before or at the death of his ward a fixed annual amount for the support of such ward while an inmate, and with interest at four per cent. per annum. A copy of such contract shall be filed in the probate court of the proper county, and duly entered as a part of the records concerning such ward.

Duty of executor or administrator.

Claim for support.

Contract for fixed annual amount.

Copy filed in probate court.

SECTION 2. That such original sections 1815-1, 1815-2, 1815-4, 1815-8 and 1815-10 of the General Code be and the same are hereby repealed.

SECTION 3. That this act shall be in full force and effect thirty days after its enactment.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed March 30th, 1911.

This bill was presented to the Governor March 30th, 1911, and was not signed or returned to the house wherein

it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State, April 14th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
48

[House Bill No. 63.]

AN ACT

To authorize cities to establish, manage, regulate and maintain municipal pawn departments and to provide the means therefor.

Be it enacted by the General Assembly of the State of Ohio:

Section 4205-1. SECTION 1. That every city of this state shall have the power to establish, manage, regulate and maintain a municipal pawn department within its corporate limits, to loan money upon personal property and to charge interest for advances made on pawns, and to acquire by purchase, lease or otherwise the necessary lands, buildings, halls or rooms for such purpose and to do everything that pertains to or has any connection with the establishment, management, regulation and maintenance of such department. "But if, within thirty days after the passage of an ordinance establishing such department, there is presented to the city council or filed with its clerk, a written petition signed by fifteen per cent. of the qualified electors of such municipality, to be determined by the highest number of votes cast for the mayor of the municipality at the last preceding municipal election, requesting such ordinance to be submitted to a vote of the electors thereof, the ordinance shall not become operative until it has been so submitted and has received a majority of the votes cast thereon.

Municipal pawn shop.

Petition; vote.

The council by resolution shall provide that such vote be taken at the next municipal election, and shall cause a copy of such resolution to be certified to the board of deputy state supervisors of the county in which such municipal corporation is situated, which board shall thereupon prepare the ballots and make all other necessary arrangements for the submission of such question at the time fixed in the resolution. Such election shall be held at the regular place or places of voting in such municipality and shall be conducted, canvassed and certified in the same manner as the election of officers thereof.

Thirty days' notice of such submission shall be given by the mayor of the municipality in two newspapers of opposite politics printed therein, once a week for four consecutive weeks, stating the object and purpose, and the time and place of holding such election. Those voting in favor

Notice of election.

of the proposition shall have written or printed on their ballots the words "For the establishment of a municipal pawn department," and those voting against it shall have written or printed on their ballots the words "Against the establishment of a municipal pawn department."

Section 4205-2. SECTION 2. To create a municipal pawn fund out of which all municipal money loans upon personal property to pawners are paid and to receive donations and bequests of money or property for the same, in trust or otherwise.

Section 4205-3. SECTION 3. The council of each city shall for the purpose of creating and maintaining the said municipal pawn fund, have the power to levy and collect a tax not exceeding one-fifth of one mill on each dollar of the taxable property within the municipality, annually, and until said municipal pawn department becomes self-supporting. The municipal pawn fund so created and the moneys in the future from all sources received by said department for the said fund shall be turned over to the city treasurer, who, upon giving bond, as required by the city council, shall be the custodian and disburser of the same as of all other funds and public moneys. But he shall not honor any voucher presented to him for payment from said fund unless the same is properly approved by the head of such municipal pawn department.

Tax levy.

Section 4205-4. SECTION 4. Every municipal pawn department of a city in this state shall be a sub-department of the department of public service and under the general management and supervision of the director of public service.

Section 4205-5. SECTION 5. The mayor of every city, where a municipal pawn department is established, shall appoint and have the power to remove the head of such department, who shall be called the superintendent of the municipal pawn department.

Appointment.
Removal.

Section 4205-6. SECTION 6. The director of public service shall have the exclusive right, to appoint as many assistant superintendents, pawn inspectors, clerks and pawn custodians in the municipal pawn department as shall be necessary for the administration of its affairs and shall likewise have sole power to remove or suspend any such assistant superintendent, pawn inspector, clerk and pawn custodian, but in making such appointments and removals he shall be subject to the same limitations which govern him in the appointments and removals of any other appointees of the same grade in the department of public service; and he shall make rules and regulations for the administration of the affairs in the said municipal pawn department.

Assistants.

Section 4205-7. SECTION 7. The superintendent of the municipal pawn department shall organize and superintend the whole department and give all the orders and directions to the appointees thereof. The assistant superintendents shall assist the superintendent in all his work as ordered by him and shall perform all his duties and exercise all his powers in case of his absence, disability or disqualification. The

pawn inspectors shall examine and appraise every article offered as a pawn. The clerks shall make all the entries in the municipal pawn books and perform all the clerical work in the municipal pawn department. The pawn custodians shall place all pawns accepted by the department in a systematic order, take proper care of them as long as they are in the possession of said department and do the manual work pertaining to and connected with the same. And all the said appointees shall be subject to all the orders and directions of the superintendent and do or perform all the work assigned to them by him and make and keep a record of all their respective work.

Appraisement.

Record.

Section 4205-8. SECTION 8. The position of the superintendent of the municipal pawn department shall be included in the unclassified service of the civil service mentioned in section 4479 of the General Code; the classified service referred to in the same section shall comprise all other positions in said sub-department not included in the unclassified service, or as the civil service commission appointed according to section 4478 of the General Code may, by rule, determine.

Civil service.

Classified service.

All applicants for admission into the classified service and all assistant superintendents, pawn inspectors, clerks and pawn custodians, whose positions are included in the classified service in the municipal pawn department, shall be governed by the same laws and regulations, which apply to such other applicants and appointees of the same grade in the department of public service.

Section 4205-9. SECTION 9. Council shall by ordinance or resolution fix the term of the appointment and the respective salaries and compensation of the superintendent, of the assistant superintendents, pawn inspectors, clerks and pawn custodians in the municipal pawn department, and determine the amount of the bond to be given by each of them, if any be required, and said bond shall be given by such appointees with surety subject to the approval of the mayor of the city.

Term, salaries, bond fixed by ordinance or resolution.

Section 4205-10. SECTION 10. When such municipal pawn department has disposable funds it shall make advances on all goods and chattels offered, embraced within its rules and regulations, in the order in which they are offered; with the exception that it shall discriminate in favor of small loans to the indigent, but in no case shall the amount loaned to any one person exceed the sum of one hundred fifty dollars. It shall loan not to exceed one-half of the appraised value of gold and silver plate and ware and not to exceed one-third of such value, on all other goods and chattels, and shall carry insurance against loss or damage by fire, in a sum equal to the appraised value of the pledged property. In case of loss or damage by fire said department shall be liable to the pawners thereby affected in an amount not to exceed the appraised value thereof, which value shall be ascertained by the pawn inspector, at the time of making the loan; but before paying anything to the pawner for

How loans shall be made.

Loans limited.

Loss or damage.

such loss of or damage to his said pledged property, said department shall after receiving and accepting full payment for such loss or damage from the insurance company, deduct therefrom the principal, interest, and the storage and insurance charges due thereon.

Oath of applicant.

And before making any loan, said department shall inquire about and ascertain from the applicant or applicants for a loan, under oath:

1st. Their full name, age, residence and postoffice address.

2nd. The real ownership of the property offered as a pledge.

3rd. Whether the same is mortgaged or in any way or manner incumbered.

4th. How, from whom, and when it was acquired.

5th. Its purchase price or original value, and make such other inquiry in that behalf, as it may deem fit or necessary.

Said applicants shall sign the inquiry blank after the same is properly filled out and sworn to by them and it shall be filed and recorded in the office of the municipal pawn department. Wilful false swearings in such examinations, shall be perjury and punishable as such.

The superintendent and assistant superintendents and the pawn inspectors, in said department shall have the power to administer oaths when they make such inquiries or perform any such duty pertaining to their department. If required by the superintendent or any assistant superintendent of said department, the police department of the city shall assist same in the investigation of such applicant for a loan and of matters pertaining to the property offered by him as a pawn.

Section 4205-11. Rate of interest.

SECTION 11. No municipal pawn department in this state shall charge more than six per cent. per annum to any pawner as compensation for the money advanced upon such pawn, nor more than four per cent. per annum additional for storage and insurance.

Section 4205-12. Redemption.

SECTION 12. If the pledged property, consisting of dry goods or clothing of any kind, is not redeemed within the time fixed and agreed upon, the same shall, after three months from the expiration of the time of the pledge, or after six months from the expiration of the time of the pledge, in case it consists of other articles, be sold in the city at public auction without redemption under the direction of said municipal pawn department, and not elsewhere or otherwise, to the highest bidder for cash, after ten days' notice of the time and place of sale and the kind of goods, first given in a public newspaper having general circulation in the said city. And the surplus money, if any arising from the said sale, after deducting the amount of the loan, the interest and the storage and insurance charges then due on the same, and the expenses of the advertisement and sale, shall be paid to the pawner or his

Sale.

Publication.

legal representative or assigns, on demand at any time within two years after such sale, but if neither the pawner, nor his legal representative or assigns, apply for said surplus money within said time, the same shall be added to the municipal pawn fund and become the undisputed property of the city. Surplus.

On the application of the pawners, their legal representative or assigns, the pledged property shall during the period that intervenes between the date of the expiration of the time of the pledge and the last day of the notice, hereinbefore given, be delivered to them at any time during the regular business hours of said department: Provided, such applicants shall pay the sum originally loaned, with interest, the expenses for the publication of said notice and the storage and insurance charges that may have accrued thereon and surrender the duplicate card in the manner hereinafter mentioned.

Section 4205-13. SECTION 13. The loans on pawns may be renewed from time to time, but in no case longer than for one year from the date of the original loan. Renewal.

Section 4205-14. SECTION 14. The said municipal pawn department shall at the time when it accepts the application for a loan, number the loan and number and describe the property pledged therefor and keep a correct account of all money loaned on pawns, the rate of the interest charged, the storage and insurance charges, the description of said property and the name and address of the borrower; and write plainly on a card, the name and address of the borrower, and also name or state thereon the property pledged, its appraised value and pawn number, the amount loaned and the number of the loan, the date when loaned, and the length of time for which loaned, the rate of interest charged, the storage and insurance charges, and the numbers and pages of the municipal pawn book or books in which the same is recorded. Said card shall be attached to all the property pledged, and every pawner shall receive from the said municipal pawn department a duplicate of said card. And said department shall at the time when the borrower pays back the amount loaned, with the interest, storage and insurance charges due thereon, deliver to him the property pledged, after he acknowledges the receipt thereof on said duplicate card and surrenders the same to the municipal pawn department. Number, description, address, etc.

The said records shall be at all times open to the full and free inspection of the owners of the articles or of any person demanding the same: Provided, such person, shall produce an order to make such inspection, signed by the superintendent of said department or by the chief of police of the city; and in all cases where the description of the property pledged is alleged to correspond with any goods lost or stolen it shall be exhibited when demanded by the person authorized as above to inspect said book. Open records.

Section 4205-15. SECTION 15. If any goods, articles or things which shall be advertised in any public newspaper of the city, as

Lost or stolen article. having been lost or stolen and which goods, articles or things shall thereafter come in to the possession of any municipal pawn department, it shall, on actual notice thereof, immediately thereafter give information in writing to the police department of the city, that certain goods, articles or things, answering the description of said advertised goods, articles or things, are in its possession, and shall also state from whom the same were or was received.

Section 4205-16. Limitation. SECTION 16. No municipal pawn department created under this act shall do business in any other city than the one in which it is established and its patrons must be settled legal residents of the city.

Section 4205-17. SECTION 17. The moneys received as charges for advances on pawns shall be applied to the maintenance, enlargement and the extension of the municipal pawn department, and to the extinguishment of any indebtedness created therefor.

Section 4205-18. Report. SECTION 18. The superintendent of the municipal pawn department shall, on the first day of every month, file with the director of public service of the city a full report of the business transacted in said department during the previous month, which said statement shall be under oath.

Section 4205-19. Examination. SECTION 19. The mayor may at any time, and if advisable or necessary more than once a year, appoint competent disinterested persons not exceeding three in number, not more than two of whom shall be of the same political party, to examine without notice the affairs of the municipal pawn department, superintendent, assistant superintendents, pawn inspectors, clerks and pawn custodians in said department, and to examine and audit their accounts or any matters pertaining to or connected with their department for the purpose of ascertaining facts; in connection with such examination, the mayor or such appointees shall have the power to compel the attendance and testimoney of witnesses, to administer oaths and to examine such persons as they shall deem necessary, and to compel the production of books and papers and the result of such examination shall be transmitted in writing to the mayor and recorded in his office and shall also be sent by him to the council and to the city solicitor without delay, and the latter shall proceed forthwith as the facts of the case may warrant. The council shall allow said examiners reasonable compensation for their service.

Section 4205-20. No banking power. SECTION 20. No municipal pawn department created under this act shall have any banking power, whether of issue, deposit or discount and shall not receive deposits of money or negotiable security, nor loan money on commercial paper, notes, checks, drafts, or other negotiable commercial instruments.

Section 4205-21. Excess charge, effect of. SECTION 21. If any municipal pawn department created under this act shall as a condition of redemption, or for making a loan or otherwise, in any way or for any purpose, charge the pawner of any pawn in excess of the

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

amount authorized to be charged by such department it shall thereby forfeit all claims to, or lien upon such pawn and deliver the same on demand to the pawner, his legal representative or assigns, and in default of so doing such pawner or his legal representative or assigns, may recover the possession of such pawn by an action in replevin.

Any superintendent, assistant superintendent, pawn inspector, clerk or pawn custodian of any such department who shall charge, take or collect or receive any compensation on a loan beyond or in excess of the charges allowed shall be guilty of a misdemeanor and be fined not to exceed one hundred dollars, or be imprisoned in the county jail for not more than six months, or both, and if such compensation on any one loan beyond or in excess of the charges allowed, amounts to thirty-five dollars or more, he shall be guilty of a felony and be imprisoned in the penitentiary not more than five years nor less than one year, and he and his sureties shall be liable for the loss, cost, and damages occasioned by the forfeiture above provided for, to be collected by civil action.

Penalty.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed March 30th, 1911.

This bill was presented to the Governor March 30th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of Secretary of State, April 14th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
49

[House Bill No. 124.]

AN ACT

To amend sections 2277 and 2278 of the General Code, relating to the time of furnishing certified copies and distribution of laws by the secretary of state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2277 and 2278 of the General Code be amended to read as follows:

Sec. 2277. Within ten days after the passage of every law the secretary of state shall forward ten certified copies of the engrossed bill to each county clerk.

Copies to county clerk.

Sec. 2278. All laws, general and local, and joint resolutions, shall be bound in one volume, and thirty thousand copies thereof shall be printed. All volumes thereof shall

30,000 copies.

Time of distribution of laws.

be bound in buckram binding and distributed as provided by law. Within thirty days after action thereon by the governor, the secretary of state shall distribute the thirty-three hundred copies of laws received by him from the clerks of the Senate and of the House of Representatives, to the auditors of the several counties, pro rata according to population.

SECTION 2. That said original sections 2277 and 2278 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 10th, 1911.
Approved Apr. 14th, 1911.

JUDSON HARMON,
Governor.
50

[Senate Bill No. 101.]

AN ACT

To amend section 979 of the general code relative to chief inspector of workshops and factories with a view to increasing the efficiency of the department.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 979 of the general code be amended to read as follows:

Chief inspector term.

Sec. 979. The governor, with the advice and consent of the senate, shall appoint a chief inspector of workshops and factories, who shall hold his office for a term of four years from the first day of May following his appointment and until his successor is appointed and qualified. He shall be furnished by the state with a suitable principal office at the seat of government in which the records of the department shall be kept.

Place of office.

SECTION 2. That said section 979 of the general code be and the same is hereby repealed.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 11th, 1911.
Approved Apr. 14th, 1911.

JUDSON HARMON,
Governor.
51

[House Bill No. 148.]

AN ACT

To amend sections 6331-1 and 13168 of the General Code, to provide for labeling turpentine and to create a penalty for violation thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6331-1 and 13168 of the General Code be amended so as to read as follows:

Sec. 6331-1. No person, firm or corporation shall manufacture, mix for sale, sell, or offer for sale, for other than medicinal purposes, under the name of turpentine or spirits of turpentine or any compounding of the word turpentine or under a name composed of a part or parts of the word turpentine or spirits of turpentine, any article which is not wholly distilled from resin, turpentine gum, or scrape from pine trees, and unmixed or unadulterated with oil, benzine or other foreign substance of any kind whatsoever unless the package containing the same shall be stenciled or marked with letters not less than one inch square and one-fourth inch apart "ADULTERATED TURPENTINE", except turpentine produced from turpentine gum extracted wholly from pine wood which turpentine is known as "WOOD TURPENTINE" and must be stenciled or marked "WOOD TURPENTINE" with letters not less than one inch square and one-quarter inch apart. When such wood turpentine is mixed and adulterated with oil, benzine or any other foreign substance of any kind whatsoever, the container shall be stenciled or marked, "ADULTERATED WOOD TURPENTINE" with letters not less than one inch square and one-fourth inch apart. And when wood turpentine is mixed with turpentine distilled from resin, turpentine gum, or scrape from pine trees in any quantity whatsoever, the container shall be stenciled or marked "WOOD TURPENTINE" with letters not less than one inch square and one-fourth inch apart. Nothing herein contained shall be construed as prohibiting the manufacture or sale of any compound or imitation providing the container shall be plainly marked and the purchaser notified as aforesaid.

Labeling turpentine adulteration.

Sec. 13168. Whoever violates any provisions of law relating to the labeling, marking, or stenciling of turpentine, wood turpentine, paints, mixed paints and similar compounds or white lead by manufacturers or distributors thereof shall be fined not more than fifty dollars, and for each subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days or both.

Penalty.

SECTION 2. That said original sections 6331-1 and 13168 of the General Code be and the same are hereby repealed.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr 11th, 1911.
Approved Apr. 14th, 1911.

JUDSON HARMON,
Goveror.
52

[House Bill No. 127.]

AN ACT

To better provide for the administration of criminal justice by amending section 3004 of the General Code in such manner as to increase the facilities of prosecuting attorneys.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3004 of the General Code be amended to read as follows:

Sec. 3004. There shall be allowed annually to the prosecuting attorney in addition to his salary and to the allowance provided by section 2914, an amount equal to one-half the official salary, to provide for expenses which may be incurred by him in the performance of his official duties and in the furtherance of justice, not otherwise provided for. Upon the order of the prosecuting attorney the county auditor shall draw his warrant on the county treasurer payable to the prosecuting attorney or such other person as the order designates, for such amount as the order requires, not exceeding the amount provided for herein, and to be paid out of the general fund of the county.

Additional allowance to prosecuting attorneys.

Provided that nothing shall be paid under this section until the prosecuting attorney shall have given bond to the state in a sum not less than his official salary to be fixed by the court of common pleas or probate court with sureties to be approved by either of said courts, conditioned that he will faithfully discharge all the duties enjoined upon him, by law, and pay over, according to law, all moneys by him, received in his official capacity. Such bond with the approval of such court of the amount thereof and sureties thereon and his oath of office inclosed therein shall be deposited with the county treasurer.

Bond for faithful performance of duty.

The prosecuting attorney shall annually before the first Monday of January, file with the county auditor an itemized statement, duly verified by him, as to the manner in which fund has been expended during the current year, and shall if any part of such fund remains in his hands unexpended, forthwith pay the same into the county treasury.

Itemized statement verified.

Provided, that as to the year 1911, such fund shall be proportioned to the part of the year remaining after this act shall have become a law.

SECTION 2. That said original section 3004 of the General Code be, and the same is hereby repealed.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr 11th, 1911.
Approved Apr 14th, 1911.

JUDSON HARMON.
Governor.

53

[House Bill No. 28.]

AN ACT

To amend sections 2943, 2945, 2946, 2947, 2948, 2949 and to supplement section 2949 by the enactment of an additional section known as section 2949-1 relative to providing for a soldiers' burial plot and for the burial of all soldiers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2943, 2945, 2946, 2947, 2948, 2949 of the General Code be amended and that section 2949 be supplemented by adding section 2949-1 as follows:

Application or petition for soldiers' plot in cemetery.

Sec. 2943. Upon application in writing made by a veteran soldiers' association in any city, township, or village or upon a petition in writing of five or more veteran soldiers in any city, township or village where no veteran soldiers' organization exists, the soldiers' relief commission of any county, shall purchase or provide a soldiers' plot in any cemetery where no burial plot is provided in such county, city or village for the burial, removal and re-interment of the bodies of neglected and indigent soldiers.

Expense for care of graves.

Sec. 2945. On and after the interment of the remains of the deceased soldier or soldiers in such soldiers' plot, the expenses of the care of the grave or graves shall be annually provided for by the village, city or township, in which the remains are buried, at not to exceed fifty cents per grave each year, and shall be paid annually to the cemetery association in which the remains may be interred, removed or reinterred.

Petition; what to contain.

Sec. 2946. A petition may be presented to the county soldiers' relief association of any county signed by the officers of the veteran soldiers' organization, or a majority of a memorial committee of any incorporated village or city, wherein one or more veteran soldier organizations exist, or the petitioners may be honorably discharged veteran soldiers, in townships or villages where no veteran soldiers' organization exists, containing: First: The name of the deceased soldier, or soldiers, whose remains are sought to be buried or removed, and, if known, the company and regi-

ment in which he or they served. Second: The name and location of the cemetery in which he, or they are interred, and from which removal is asked to be made. Third: The name and location of the cemetery to which the remains are desired to be removed and reinterred. Fourth: The facts showing the reason for such removal.

Order of removal.

Sec. 2947. Within thirty days after the next succeeding regular meeting, the soldiers' relief commission shall act upon such petition, and, if true, issue an order directing the removal of the remains of said deceased soldier, or soldiers, to the cemetery designated in the petition, within the village, city, or township, in which the remains are then to be buried, and shall specify in the order the maximum expense of the proposed removal and reinterment, including the expense of the proposed removal and reinterment, including the expense incurred by the commission. The said order shall designate the person or persons who shall have charge of the burial or removal and reinterment.

Verified statement of burial or removal.

Sec. 2948. Upon the completion of the burial or removal and reinterment, the person or persons having charge thereof shall make an itemized statement, verify and file it with the soldiers' relief commission, which shall, at the next regular meeting, act upon such expense account, and file it with the auditor of the county forthwith, when it shall become a charge upon the county in which said interment or reinterment is made. Such expense shall be audited and the auditor shall issue a warrant therefor on the county treasurer, who shall pay the same out of the general fund of said county.

Payment.

Definition of "Soldiers."

Sec. 2949. The word "Soldiers" shall mean: An honorably discharged soldier, sailor, or marine, who served in the army or navy of the United States of America. The words, "Soldiers' plot" shall mean: A plot of land in any cemetery, set apart to be exclusively used for interring the remains of deceased veteran soldiers of the United States.

Purchase of additional plots.

Sec. 2949-1. In the event that it may become necessary to purchase additional plots of ground in any cemetery wherein a "soldiers' plot" has heretofore existed, where said "soldiers' plot" has been filled with graves to its capacity, this act shall not be construed to prevent the purchase of the same under the terms of this act.

SECTION 2. Said original sections 2943, 2945, 2946, 2947, 2948, 2949 are hereby repealed.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 11th, 1911.
Approved Apr. 14th, 1911.

JUDSON HARMON,
Governor.

[House Bill No. 470.]

AN ACT

To amend section 4206 of the General Code, by restricting the number of councilmen to thirty-two.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4206 of the General Code be amended to read as follows:

Sec. 4206. The legislative power of each city shall be vested in, and exercised by a council, composed of not less than seven members, four of whom shall be elected by wards and three of whom shall be elected by electors of the city at large. For the first twenty thousand inhabitants in any city, in addition to the original five thousand, there shall be two additional members of council, elected by wards, and for every fifteen thousand inhabitants thereafter there shall be one additional member similarly elected, provided that the total number of members of such council shall not exceed thirty-two. When the total number of members of council is fifteen or more, one member of every five shall be elected at large, and the remainder from wards.

Number city councilmen; how elected.

SECTION 2. That said original section 4206 of the General Code be, and the same is, hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 13th, 1911.
Approved Apr 14th, 1911.

JUDSON HARMON,
Governor.

55

[House Bill No. 17.]

AN ACT

To better provide for the administration of criminal justice by amending sections 1541 and 2916 and supplementing section 2915 of the General Code in such manner as to more clearly define the powers and increase the facilities of prosecuting attorneys, and to repeal sections 6184, 6185 and 6186 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1541 and 2916 of the General Code be amended to read as follows, and that section 2915 of the General Code be supplemented by a section to be known as section 2915-1, to read as follows:

Sec. 1541. The judge of the court of common pleas of a county, or the judges of such court in a county in joint session, if they deem it advisable, may appoint either or all of the following:

Judge may appoint court interpreter, etc.

Oath; duties.

First. A court interpreter, who shall take an oath of office, hold his position at the will of such judge or judges, and under the direction of the court, or any judge thereof, shall interpret the testimony of witnesses, translate any writing necessary to be translated in court, or in a cause therein, and perform such other services as are required by the court of a judge thereof. The interpreter shall, without extra compensation, render such services in the circuit court, superior court, probate court, and court of insolvency, as the judges of those courts may require. He shall

Compensation.

receive for his services a compensation fixed by the judges appointing him, not to exceed twelve hundred dollars in any year, or such sum in each particular case as the court, requiring his services deems just. If a stipulated salary, such compensation shall be payable monthly from the county treasury, upon the warrant of the county auditor, in other cases, at the conclusion of his services, upon the certificate of the judge of the court in which they were rendered.

Criminal bailiff; compensation.

Second. A criminal bailiff, who shall be a deputy sheriff and hold his position during the pleasure of the judge or judges of such court. He shall receive compensation to be fixed by such judge or judges at the time of his appointment, not to exceed the amount permitted by law to be allowed court constables in the same court, which shall be paid monthly from the county treasury upon the warrant of the county auditor.

Prosecuting attorney may appoint secret service officer.

Sec. 2915-1. The prosecuting attorney may appoint a secret service officer whose duty it shall be to aid him in the collection and discovery of evidence to be used in the trial of criminal cases and matters of a criminal nature. The

Compensation.

compensation of said officer shall be fixed by the presiding judge of the court of common pleas of the subdivision of that judicial district and shall not be less than one-fourth nor more than one-half of the official salary of the prosecuting attorney per year, payable monthly, out of the county fund, upon the warrant of the county auditor.

Powers and duties of prosecuting attorney.

Sec. 2916. The prosecuting attorney shall have power to inquire into the commission of crimes within the county and shall prosecute on behalf of the state all complaints, suits and controversies in which the state is a party, and such other suits, matters and controversies as he is directed by law to prosecute within or without the county, in the probate court, common pleas court and circuit court. In conjunction with the attorney general, he shall also prosecute cases in the supreme court arising in his county. In every case of conviction, he shall forthwith cause execution to be issued for the fine and costs, or costs only, as the case may be, and faithfully urge the collection until it is affected, or found to be impracticable, and forthwith pay to the county treasurer all moneys belonging to the state or county, which come into his possession as fines, forfeitures, costs or otherwise.

SECTION 2. That said original sections 1541, 2916 and

sections 6184, 6185 and 6186 of the General Code be and the same are hereby repealed. S. J. VINING, Repeals.
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Apr. 18th, 1911.
Approved Apr. 19, 1911.

JUDSON HARMON,
Governor.

56

[House Bill No. 447.]

AN ACT

To make appropriations for the maintenance of the Ohio national guard.

WHEREAS, At the session of the general assembly in 1909, an act was passed entitled "An act to provide the carrying into effect the provisions of article 9, of the Constitution of Ohio"; and

WHEREAS, By reason of the carrying into effect the provisions of this act in the appropriations of the moneys for the maintenance of the Ohio national guard various liabilities then outstanding and since incurred for transportation and other items making up the maintenance account could not be ascertained or known by the state until after February 15, 1910, or February 15, 1911, and then the amounts could not be paid from either of the appropriations for the years beginning February 16, 1910, or February 16, 1911, and are, therefore now outstanding and unpaid for the want of authority only on the part of the state to pay these liabilities, existing prior to the above named dates, from the funds set aside on January 1, 1910, or January 1, 1911, for the maintenance of the Ohio national guard, such liabilities now aggregating twenty thousand seven hundred six dollars and eighty cents ($20,706.80); therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated O. N. G. appropriation. from any moneys raised, set aside or coming into the state treasury for the maintenance of the Ohio national guard for the year ending December 31, 1911, to pay liabilities outstanding and unpaid prior to February 15, 1911, the sum of twenty thousand seven hundred six dollars and eighty cents ($20,706.80). S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 26th, 1911.
Approved Apr. 28th, 1911.

JUDSON HARMON,
Governor.

57

[House Bill No. 18.]

AN ACT

Relating to the construction of ditches for the surface drainage of water basins containing two or more contiguous municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

Section 6535-1.

SECTION 1. Where two or more adjacent and contiguous municipal corporations, in the same county, lie within the same water basin and are unable or fail to agree upon an adequate system of surface water drainage for the common use and benefit of such municipal corporations, the county commissioners of such county, when it becomes necessary to drain such water basin and, in their opinion, the drainage thereof will conduce to the public health, convenience and welfare, may at a regular or called session, in the manner provided in this act, cause to be located and constructed, straightened, widened, altered, deepened, boxed or tiled, a ditch or water course within, through and beyond the limits of such municipal corporations. Such ditch, drain or water course, when so located and constructed, shall thereafter be subject to the further jurisdiction of such commissioners to a like extent as single county ditches. The provisions of chapter one, title three, part second relating to single county ditches, shall, so far as the same may be applicable, apply, in all respects, to ditches provided for in this act.

Commissioners may construct, etc., ditch or water course through municipal corporations; when.

Jurisdiction.

Section 6535-2.

SECTION 2. When the working sections of the improvement are let and the costs and expenses of location and construction, and all compensation and damages are ascertained, the county commissioners shall meet and divide the territory to be benefited by such drainage system into taxing districts in such manner that each such municipal corporation shall constitute a separate taxing district and the territory beyond and outside of such municipal corporations separate taxing districts, and shall thereupon apportion the cost and expense thereof to and upon such taxing districts in proportion to the benefits to be derived therefrom by such districts and the inhabitants thereof. Such county commissioners shall determine the number of assessments that will be required and order that such assessments be placed on the duplicate against the lots, lands, corporate railroads assessed in each of such districts. They shall also determine whether they will issue the bonds of the county to raise the money necessary to pay such cost and expense, and if they so determine the bonds may be issued as provided with respect to single county ditches in section 6489.

Taxing districts.

Apportionment of compensation; amount of damages.

Bonds for costs and expenses.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 13th, 1911.
Approved Apr. 25th, 1911.

JUDSON HARMON,
Governor.

[House Bill No. 188.]

AN ACT

Relative to fire insurance companies and agents thereof doing business in this state, and to repeal an act passed April 12, 1910, relative to fire insurance companies and agents doing business in Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 9589-1. SECTION 1. No corporation, association or co-partnership engaged in the state of Ohio in the guaranty, bonding, surety or insurance business, other than life insurance, nor any officer, agent, solicitor, employe or representative thereof shall pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducements to insurance, and no person shall knowingly receive as an inducement to insurance any rebate of premium payable on the policy, nor any special favor or advantage in the dividends or other benefits to accrue thereon, nor any paid employment or contract for services of any kind or any special advantage in the date of the policy or date of the issue thereof, or any valuable consideration or inducement whatsoever not plainly specified in the policy or contract of insurance or agreement of indemnity, or give or receive, sell or purchase, or offer to give or receive, sell or purchase, as inducements to insurance or in connection therewith any stock, bonds, or other obligations of an insurance company or other corporation, association, partnership or individual. But the provisions of this act shall not apply, however, to prevent the payment to a duly authorized officer, agent or solicitor of such company, association or co-partnership of commissions at customary rates on policies or contracts of insurance effected through him by which he himself is insured, provided such officer, agent or solicitor holds himself out as such and has been engaged in such business in good faith for a period of six months prior to any such payment; nor shall this act prohibit a mutual fire insurance company from paying dividends to policyholders at any time after the same has been earned.

Rebates and special advantages in policies, etc., prohibited.

Section 9589-2. SECTION 2. No person shall be excused from attending or testifying or producing any books, papers or other documents before any court or magistrate having jurisdiction, upon any investigation, proceeding or trial for a violation of any of the provisions of this act, upon the ground or for the reason that the testimony of evidence, documentary or otherwise, required of him may tend to incriminate or degrade him, but no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Testimony.

Incrimination.

Section 9589-3. SECTION 3. Every corporation which shall violate any of the provisions of this act, upon conviction thereof,

shall be fined in any sum not less than one hundred dollars and not exceeding five hundred dollars to be recovered by action in the name of the state, and every officer, agent or solicitor, or other person who shall violate any of the provisions of this act, upon conviction thereof shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars, and of the fines which shall be levied and collected for the violation of any of the provisions of this act, shall be paid to the county treasurer for the benefit of the common school fund.

Penalty.

Section 9589-4.

SECTION 4. It shall be the duty of the superintendent of insurance upon conviction of any agent for violation of any of the provisions of this act, to revoke the license of the agent so offending, and no license shall be granted to such agent for a period of three years after such revocation.

Revocation of license.

The sectional numbers on the margin hereof are designated as provided by law.

SECTION 5. That said original sections 1, 2, 3 and 4 of an act passed April 12, 1910, relating to fire insurance companies and agents thereof doing business in the state of Ohio be, and the same are hereby repealed.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 13th, 1911.

This bill was presented to the Governor April 13th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State May 2nd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
59

[House Bill No. 32.]

AN ACT

To amend section 1415 of the General Code, relating to the protection of muskrats.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1415 of the General Code be amended to read as follows:

Sec. 1415. No person shall kill or pursue with such intent a raccoon except from the 1st day of November to the 1st day of March, both inclusive; a muskrat, except from the 1st day of January to the 1st day of April, inclusive, but nothing in this section shall prohibit the killing of raccoons or muskrats in any manner or at any time except on Sunday by the owner, manager or tenant of the

Unlawful killing of raccoon and muskrat.

premises or by his bona fide employes or persons having such owner's permission when such raccoons or muskrats are found injuring or destroying property.

SECTION 2. That said original section 1415 be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 13th, 1911.
Appoved Apr. 25th, 1911.

JUDSON HARMON,
Governor.
60

[House Bill No. 135.]

AN ACT

To amend section 4395 of the General Code relative to fire blocks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4395 of the General Code be amended so as to read as follows:

Sec. 4395. The council may regulate the erection of houses and business structures and prohibit within such limits as it may deem proper, the erection of buildings, unless the outer walls be constructed of non-combustible material, and, on the petition of the owners of not less than two-thirds of the ground included in any square, or half-square prohibit the erection on any such square or half-square, of any building, or addition to any building more than ten feet high, unless the outer walls be made of iron, stone, brick and mortar, or of some of them, and to provide for the removal of any building or additions erected contrary to such prohibition.

Regulate the erection of houses and business structures.

Removal.

SECTION 2. That such original section 4395 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 13th, 1911.
Appoved Apr. 25th, 1911.

JUDSON HARMON,
Governor.
61

[Senate Bill No. 186.]

AN ACT

To provide for the relief of Charles A. Thatcher.

WHEREAS, Charles A. Thatcher, of the city of Toledo, Lucas county, Ohio, possesses the qualifications of an attorney and counsellor at law and is of good moral character, and has practiced law in Ohio for about twenty years, and has a number of clients who require his services as an attorney and counsellor at law, he having no other profession or occupation, and

WHEREAS, an emergency has arisen whereby, without legislative relief, he is prohibited from acting as an attorney and counsellor at law, and also from the applying for admission to the bar in this state, therefore,

Be it enacted by the General Assembly of the State of Ohio:

Reinstatement of Charles A. Thatcher as an attorney.

SECTION 1. That Charles A. Thatcher, of the city of Toledo, Lucas county, Ohio, be and he is hereby authorized and empowered to appear as an attorney and counsellor at law in all the courts of record of the state of Ohio, and all the rights, privileges and immunities of an attorney and counsellor at law, are hereby granted to and conferred upon him. Upon his taking an oath of office before any person authorized to administer an oath, all said courts are directed to receive him as such attorney and counsellor at law.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 18th, 1911.

This bill was presented to the Governor April 18th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State, May 2nd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

62

[House Bill No. 72.]

AN ACT

To amend section 1788 of the General Code, relating to the salaries of the deputy clerks of the city court of Toledo, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1788 of the General Code be amended to read as follows:

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

Sec. 1788. Each deputy shall receive as compensation for his services the sum of one thousand dollars per annum, payable monthly from the treasury of the city. Salary.

SECTION 2. That said original section 1788 be, and is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 13th, 1911.

This bill was presented to the Governor April 13th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State, May 2nd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
63

[House Bill No. 169.]

AN ACT

To amend section 516 of the General Code, relating to the issuing of free tickets, free passes, or free transportation for passengers, by railroads in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 516 of the General Code be amended to read as follows:

Sec. 516. No railroad company, owning or operating a railroad wholly or partly within this state, shall, directly or indirectly, issue or give a free ticket, free pass, or free transportation for passengers, except to its employes and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad young men's christian associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers, and soldiers' and sailors' homes, including those about to enter and those returning home after discharge, and boards of managers of such homes; to necessary caretakers of live stock, poultry and fruit; to employes on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employes, postoffice inspectors, custom

Prohibiting free transportation by railroad company. Exceptions.

inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the railroad is interested, persons injured in wrecks and physicians and nurses attending such persons. Provided, that the term "employes" as used in this paragraph shall include furloughed, pensioned, and superannuated employes, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employes traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso and also the widows and dependent children of employes who died while in the service of any common carrier.

Definitions.

SECTION 2. That said original section 516 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Apr. 18th, 1911.
Approved Apr. 29, 1911.

JUDSON HARMON,
Governor.
64

[House Bill No. 390.]

AN ACT

To amend section 7556 of the General Code relative to the authority of board of public works in granting permission to municipalities in the construction of bridges.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7556 of the General Code be amended to read as follows:

Sec. 7556. The council of a city or village, or the commissioners of the county in which such city or village is situated, having lawful authority to construct or erect a bridge on a road, street, or public highway, crossing a canal or feeder thereof, if deemed necessary, may erect and maintain for public use a swing bridge, or self closing bridge, or lift bridge, upon such street, road, or public highway, at such place. Such bridge shall not be constructed or erected without first obtaining, for the model and location thereof, the consent, in writing, of the board of public works; and said board may grant permission to any city or village or the commissioners of any county to narrow the channel of any canal or feeder thereof, if deemed necessary, in the erection, construction and maintenance of any such

Permission to erect swing or lift bridge crossing canal.

Consent in writing from board public works.

bridge, providing, however, that said channel is not narrowed to a width of less than twenty-five (25) feet; and, providing further that said board in granting any such permission shall sell no canal lands of this state, but simply grant an easement for the use of such bridge or its approaches or parts.

SECTION 2. That said original section 7556 of the General Code be and is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Apr. 18th, 1911.
Approved Apr. 29th, 1911.

JUDSON HARMON,
Governor.
65

[House Bill No. 139.]

AN ACT

To amend section 12664 of the General Code relating to the careless and indiscriminate distribution of samples of patent medicine, etc.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12664 of the General Code be amended so as to read as follows:

Sec. 12664. Whoever leaves, throws or deposits upon the doorstep or premises owned or occupied by another or hands, gives or delivers or causes the same to be done to any person, except in a place where it is kept for sale, a patent or proprietary medicine, preparation, pill, tablet, powder, cosmetic, disinfectant or antiseptic, or a drug or medicine that contains poison or any ingredient that is deleterious to health, as a sample, or for the purpose of advertising, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both.

Prohibiting careless distribution of samples containing drug or poison.

Penalty.

SECTION 2. That said original section 12664 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Apr. 18th, 1911.
Approved Apr. 29, 1911.

JUDSON HARMON,
Governor.
66

[House Bill No. 224.]

AN ACT

To amend section 3657 of the General Code, relating to theatrical and other public exhibitions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3657 of the General Code be amended so as to read as follows:

Sec. 3657. To regulate, by license or otherwise, restrain or prohibit theatrical exhibitions, public shows and athletic games of whatever name or nature, for which money or other reward is demanded or received; to regulate, by license or otherwise, the business of trafficking in theatrical tickets, or other tickets of licensed amusements, by parties not acting as agents of those issuing them, but public school entertainments, lecture courses and lectures on historic, literary or scientific subjects, shall not come within the provisions of this section.

Regulation by license, shows, games, trafficking in tickets, etc.

Exceptions.

SECTION 2. That said original section 3657 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Apr. 18th, 1911.

This bill was presented to the Governor April 18th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State May 3rd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
67

[House Bill No. 75.]

AN ACT

To amend section 12530 of the General Code, relative to trespasses by employes of telephone and telegraph companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12530 of the General Code be amended so as to read as follows:

Sec. 12530. Whoever, without the written consent of the owner or his agent, enters the premises or building of another, for the purpose of constructing, altering, repairing, examining, or attaching thereto a wire, pole, insulator,

Written consent of owner or presence required.

frame or other appendage, unless such owner or agent is present and assenting thereto, shall be fined not less than ten dollars nor more than one hundred dollars, provided, however, that such owner or agent shall give such written consent when it shall fairly and reasonably appear that the person applying therefor, in good faith, desires to so enter for the purpose of altering, repairing or examining such wire, pole, insulator, frame or appendage. Penalty.

SECTION 2. That said original section 12530 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Apr. 18th, 1911.

This bill was presented to the Governor April 18th, 1911 was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State May 3rd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
68

[Senate Bill No. 92.]

AN ACT

To repeal sections 5562 and 5563 of the general code, relating to the assessment of mineral lands for the purpose of taxation, and to enact substitute sections to be known as sections 5562 and 5563 of the general code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5562 and 5563 of the general code be substituted by new sections 5562 and 5563, to read as follows:

Sec. 5562. At the time of making the lists of personal property, the assessor shall make a list of petroleum, oil, and natural gas wells, coal and ore mines, limestone quarries, fire-clay pits, or works of any kind designed for the production of minerals of any kind, which have been begun or constructed since the last preceding quadrennial appraisement. If, by reason of the discovery of such minerals, the construction of such works, the commencement of such operations, or the development of such minerals, or otherwise, within the year, the value of the lands containing or producing such minerals, or any of them, or the value of any right to such minerals, listed and taxed separately from such lands, shall increase in value to the amount of one hun- Assessment of mineral lands. Increase of value reported.

[House Bill No. 224.]

AN ACT

To amend section 3657 of the General Code, relating to theatrical and other public exhibitions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3657 of the General Code be amended so as to read as follows:

Sec. 3657. To regulate, by license or otherwise, restrain or prohibit theatrical exhibitions, public shows and athletic games of whatever name or nature, for which money or other reward is demanded or received; to regulate, by license or otherwise, the business of trafficking in theatrical tickets, or other tickets of licensed amusements, by parties not acting as agents of those issuing them, but public school entertainments, lecture courses and lectures on historic, literary or scientific subjects, shall not come within the provisions of this section.

Regulation by license, shows, games, trafficking in tickets, etc.

Exceptions.

SECTION 2. That said original section 3657 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Apr. 18th, 1911.

This bill was presented to the Governor April 18th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State May 3rd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
67

[House Bill No. 75.]

AN ACT

To amend section 12530 of the General Code, relative to trespasses by employes of telephone and telegraph companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12530 of the General Code be amended so as to read as follows:

Written consent of owner or presence required.

Sec. 12530. Whoever, without the written consent of the owner or his agent, enters the premises or building of another, for the purpose of constructing, altering, repairing, examining, or attaching thereto a wire, pole, insulator,

frame or other appendage, unless such owner or agent is present and assenting thereto, shall be fined not less than ten dollars nor more than one hundred dollars, provided, however, that such owner or agent shall give such written consent when it shall fairly and reasonably appear that the person applying therefor, in good faith, desires to so enter for the purpose of altering, repairing or examining such wire, pole, insulator, frame or appendage. Penalty.

SECTION 2. That said original section 12530 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed Apr. 18th, 1911.

This bill was presented to the Governor April 18th, 1911 was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State May 3rd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
68

[Senate Bill No. 92.]

AN ACT

To repeal sections 5562 and 5563 of the general code, relating to the assessment of mineral lands for the purpose of taxation, and to enact substitute sections to be known as sections 5562 and 5563 of the general code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5562 and 5563 of the general code be substituted by new sections 5562 and 5563, to read as follows:

Sec. 5562. At the time of making the lists of personal property, the assessor shall make a list of petroleum, oil, and natural gas wells, coal and ore mines, limestone quarries, fire-clay pits, or works of any kind designed for the production of minerals of any kind, which have been begun or constructed since the last preceding quadrennial appraisement. If, by reason of the discovery of such minerals, the construction of such works, the commencement of such operations, or the development of such minerals, or otherwise, within the year, the value of the lands containing or producing such minerals, or any of them, or the value of any right to such minerals, listed and taxed separately from such lands, shall increase in value to the amount of one hun- Assessment of mineral lands. Increase of value reported.

dred dollars or more, the assessor shall increase the assessment of such land or right to the minerals therein to its true value in money in the name of the owner thereof. If the assessor finds that rights to minerals contained or produced in or upon any lot or parcel of land has been previously created and not separately assessed for taxation, he shall report the same, together with his aggregate valuation of the lot or parcel and the right or rights to minerals therein, to the county auditor, who shall apportion such aggregate valuation as provided in section 5563 of the general code. If the value of any lot or parcel of land containing or producing petroleum, oil, natural gas, coal, ore, limestone, fire-clay, or other minerals, or of any right to the minerals therein, shall decrease within the year, by reason of the exhaustion of any such minerals or by the failure to find or develop such minerals, the assessor shall determine, as nearly as may be practicable, how much less valuable such lot or parcel is in consequence of such exhaustion or failure to find or develop, in case the fee of the soil and the right to the minerals is owned and assessed for taxation against the same person, and make return thereof to the county auditor; where the title to the fee of the soil is in one or more persons, and the right to the minerals therein, or any of them, is in another person, the assessor shall determine, as nearly as practicable, how much less valuable such right to the minerals therein is by reason of such exhaustion or failure to find or develop, and make return thereof to the county auditor. If the county auditor finds that the value of any such lot or parcel of land or any such right to the minerals therein has decreased to the amount of one hundred dollars or more, by reason of such exhaustion or of such failure to find or develop, he may reduce the valuation of such lands or of such rights to the minerals therein, as the case may be, so as to place such valuation at its true value in money.

Decrease of value reported.

Manner of listing for taxation.

Sec. 5563. Where the fee of the soil and the minerals, or part of either, of a lot or parcel of land has been previously assessed for taxation in the name of the same person, but the title to the fee of the soil is in one or more persons, and the title to such minerals, or any of them, or any right to the minerals therein, or any of them, is in another person, the county auditor shall ascertain from the returns made to him by the assessor as provided in section 5562 of the general code, or from any other source of information at his command, the aggregate value of such lot or parcel of land and the minerals or rights thereto, and shall equitably divide and apportion such aggregate valuation between the owner or owners of the fee of the soil and the owner or owners of such minerals and rights thereto so held separately from the fee of the soil, according to the relative value of the interests so held by such owners of the fee of the soil and such minerals or rights thereto, respectively.

Apportionment of assessed valuation by county auditors.

SECTION 2. That said original sections 5562 and 5563 of the general code be and the same hereby are repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 26th, 1911.
Approved May 1st, 1911.

JUDSON HARMON,
Governor.
69

[House Bill No. 333.]

AN ACT

To amend sections 5672 and 5673 of the General Code, relating to the collection of taxes upon bank shares.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5672 and 5673 of the General Code be amended to read as follows:

Sec. 5672. Taxes assessed on shares of stock, or the value thereof, of a bank or banking association, shall be a lien on such shares from the first Monday of May in each year until they are paid. It shall be the duty of every bank or banking association to collect the taxes due upon its shares of stock from the several owners of such shares, and to pay the same to the treasurer of the county, in which such bank or banking association is located, as other taxes are paid, and any bank or banking association failing to pay the said taxes as herein provided, shall be liable by way of penalty for the gross amount of the taxes due from all the owners of the shares of stock, and for an additional amount of one hundred dollars for every day of delay in the payment of said taxes.

Tax a lien upon bank shares.

Collection of tax.

Penalty.

Sec. 5673. Such bank or banking association paying to the treasurer of the county in which it is located, the taxes assessed upon its shares, in the hands of its shareholders respectively, as provided in the next preceding section, may deduct the amount thereof from dividends that are due or thereafter become due on such shares, and shall have a lien upon the shares of stock and on all funds in its possession belonging to such shareholders, or which may at any time come into its possession, for reimbursement of the taxes so paid on account of the several shareholders, with legal interest; and such lien may be enforced in any appropriate manner.

Banks may deduct taxes paid from shareholders; when.

Lien.

SECTION 2. That said original sections 5672 and 5673 of the General Code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 2nd, 1911.
Approved May 2nd, 1911.

JUDSON HARMON,
Governor.

70

[House Bill No. 110.]

AN ACT

To amend section 13049 of the General Code, relating to Sunday observance.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13049 of the General Code be amended so as to read as follows:

Shows, exhibitions, resorts, base ball in forenoon, and sale of spirituous liquors prohibited on Sunday.

Sec. 13049. Whoever, on Sunday, participates in or exhibits to the public with or without charge for admittance, in a building, room, ground, garden or other place, a theatrical or dramatic performance or an equestrian or circus performance of jugglers, acrobats, rope dancing or sparring exhibition, variety show, negro minstrelsy, living statuary, ballooning, base ball playing in the forenoon ten pins or other game of simliar kind or participates in keeping a low or disorderly house of resort or sells, disposes of or gives away ale, beer, porter or spirituous liquor in a building appendant or adjacent thereto, where such show, performance, or exhibition is given, or houses or place is kept, on complaint within twenty days thereafter, shall be fined not more than one hundred dollars or imprisoned in jail not more than six months, or both.

Penalty.

SECTION 2. That said original section 13049 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed April 26th, 1911.

This bill was presented to the Governor April 26th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State May 11th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

71

[House Bill No. 285.]

AN ACT

To amend section 2997 of the General Code, relating to expenses of sheriff.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2997 of the General Code be amended to read as follows:

Sec. 2997. In addition to the compensation and salary herein provided, the county commissioners shall make allowances quarterly to each sheriff for keeping and feeding prisoners, as provided by law, for his actual and necessary expenses incurred and expended in pursuing or transporting persons accused or convicted of crimes and offenses, in conveying and transferring persons to and from any state hospital for the insane, the institution for feeble-minded youth, Ohio hospital for epileptics, boys' industrial school, girls' industrial home, county homes for the friendless, houses of refuge, children's homes, sanitariums, convents, orphan asylums or homes, county infirmaries, and all institutions for the care, cure, correction, reformation and protection of unfortunates, and all expenses of maintaining horses and vehicles necessary to the proper administration of the duties of his office. The county commissioners shall allow the sheriff his actual railroad fare and street car fare expended in serving civil processes and subpoenaing witnesses in civil and criminal cases, and may allow his necessary livery hire for the proper administration of the duties of his office. Each sheriff shall file under oath with the quarterly report herein provided a full, accurate and itemized account of all his actual and necessary expenses, including railroad fare, street car fare and livery hire mentioned in this section before they shall be allowed by the commissioners.

Additional allowance by commissioners to sheriff quarterly.

Itemized account under oath.

SECTION 2. That said original section 2997 of the General Code, be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed April 26th, 1911.
Approved May 6th, 1911.

JUDSON HARMON,
Governor.

72

[Senate Bill No. 189.]

AN ACT

To amend sections 88 and 92 of the general code for the purpose of correcting ambiguities therein and fixing the compensation of members of the board of pardons.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That sections 88 and 92 of the general code be amended so as to read as follows:

Salary.

Sec. 88. Each member of the board of pardons shall receive an annual salary of nine hundred and fifty dollars, which compensation shall include traveling, hotel and other necessary expenses, and shall be in full reimbursement of all such expenses.

Report in writing to governor.

Sec. 92. Each year the board of pardons shall make a report in writing to the governor containing the name of its officers and members, its proceedings and recommendations, and a detailed statement of the amount and manner of its expenditures during the preceding year.

SECTION 2. That said original sections 88 and 92 of the general code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 5th, 1911.
Approved May 6th, 1911.

JUDSON HARMON,
Governor.
73

[House Bill No. 221.]

AN ACT

To amend section 3963 of the General Code relating to the furnishing of water to public schools and other institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3963 of the General Code be amended to read as follows:

Water supply free for certain purposes.

Sec. 3963. No charge shall be made by the director of public service in cities, or by the board of trustees of public affairs in villages, for supplying water for extinguishing fires, cleaning fire apparatus, or for furnishing or supplying connections with fire hydrants, and keeping them in repair for fire department purposes, the cleaning of market houses, the use of any public building belonging to the corporation, or any hospital, asylum, or other charitable institutions, devoted to the relief of the poor, aged, infirm, or

destitute persons, or orphan or delinquent children, or for the use of public school buildings; but, in any case where the said school building, or buildings, are situated within a village or cities, and the boundaries of the school district include territory not within the boundaries of the village or cities in which said building, or buildings, are located, then the directors of such school district shall pay the village or cities for the water furnished for said building or buildings.

SECTION 2. That said original section 3963 of the General Code is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 26th, 1911.
Approved May 6th, 1911.

JUDSON HARMON,
Governor.

74

[Senate Bill No. 56.]

AN ACT

To supplement section 11343 of the general code, by the enactment of sections to be known as sections 11343-1 and 11343-2, making privileged the publication of reports of legislative, executive and judicial proceedings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11343 of the general code be and the same is hereby supplemented by sections to be known as 11343-1 and 11343-2, as follows:

Impartial report of proceedings privileged.

Sec. 11343-1. The publication of a fair and impartial report of the proceedings before state or municipal legislative bodies, or before state or municipal executive bodies, boards or officers, or the whole or a fair synopsis of any bill, ordinance, report, resolution, bulletin, notice, petition or other document presented, filed or issued in any proceeding before such legislative or executive body, board or officer, shall be privileged, unless it shall be proved that such publication was made maliciously.

Impartial report of indictment, warrant, affidavit, etc., privileged.

Sec. 11343-2. The publication of a fair and impartial report of the return of any indictment, the issuing of any warrant, the arrest of any person accused of crime, or the filing of any affidavit, pleading or other document in any criminal or civil cause in any court of competent jurisdiction, or of a fair and impartial report of the contents thereof, shall be privileged, unless it be proved that the same was published maliciously, or that the defendant has refused or neglected to publish in the same manner in which the publication complained of appeared, a reasonable written explanation or contradiction thereof by the plaintiff, or that the publisher has refused, upon request of the plaintiff, to publish the subsequent determination of such suit or

action; provided, that nothing in this act shall authorize the publication of blasphemous or indecent matter.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed Apr. 26th, 1911.

This bill was presented to the Governor April 26th, 1911, and was not signed or returned to the house in which it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State May 11th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

75

[House Bill No. 577.]

AN ACT

To amend section 2180 of the General Code, authorizing the warden of the Ohio penitentiary to appoint a secretary to the warden, and to abolish the offices of assistant clerk and stenographer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2180 of the General Code be amended to read as follows:

Secretary to warden and other officers; salaries and duties.

Sec. 2180. There shall be appointed a secretary to the warden of the Ohio penitentiary, who shall be a stenographer, at an annual salary not to exceed one thousand and five hundred dollars, a chaplain, who shall act as librarian, at a salary not to exceed eleven hundred and forty dollars a year, a physician, a superintendent of schools who shall be accredited as a guard, a superintendent of construction at a salary not to exceed thirteen hundred and twenty dollars a year, a superintendent of gas and electric light at a salary not to exceed thirteen hundred and twenty dollars a year, a captain of night watch at a salary not to exceed twelve hundred dollars a year, a superintendent of subsistence at a salary not to exceed eleven hundred and twenty dollars a year.

SECTION 2. That said original section 2180 be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 2nd, 1911.
Approved May 10th, 1911.

JUDSON HARMON,
Governor.

76

[House Bill No. 214.]

AN ACT

To amend section 1439 of the General Code, relating to prohibiting the location of nets on reefs and in channels.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1439 of the General Code, be amended to read as follows:

Sec. 1439. No person shall draw, set, place, locate or maintain any net whatever on any of the reefs of the Lake Erie fishing district, or draw, set, place, locate or maintain any net whatever in any channel or passage lying between any islands or between an island and the mainland in such district at a greater distance from the shore of such island or main land than one-fourth the distance across such channel or passage; nor shall any person draw, set, place, locate or maintain any fish net within a distance of one hundred and twenty-five (125) rods of a line drawn through the center of Sandusky Bay within a distance of two miles on either the west or east side of the track of the Lake Shore and Michigan Southern Railway crossing such bay.

Prohibiting the location of nets on reefs and in channels.

SECTION 2. That said original section 1439 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 2nd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
77

[House Bill No. 120.]

AN ACT

To amend section 10936 of the General Code, relating to the removal of guardians.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10936 of the General Code be amended so as to read as follows:

Sec. 10936. The probate court may remove any guardian, he having not less than five days' notice thereof, for habitual drunkenness, neglect of his duties, incompetency, fraudulent conduct, removal from the county, or other cause which, in the opinion of the court, renders it for the interest of the ward that he be removed. Removal from the state of a person, appointed guardian, of itself shall determine the guardianship of such person.

Provisions for removal of guardians.

SECTION 2. That said original section 10936 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 3rd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
78

[House Bill No. 249.]

AN ACT

To amend sections 4788 and 4803 of the General Code, relative to the tenure of office of members of the board of deputy state supervisors of elections, in counties containing two or more registration cities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4788 and 4803 of the General Code be amended so as to read as follows:

County containing city or two or more cities with annual registration shall have board of deputy supervisors and inspectors of election.

Sec. 4788. In each county of the state which contains a city wherein annual general registration of the electors is required by law, or which contains two or more cities in which registration is required by law, there shall be a board of deputy state supervisors and inspectors of elections, consisting of four members who shall be qualified electors of the county.

Exception.

Sec. 4803. Except in counties containing cities wherein annual general registration of electors is required by law, or which contains two or more cities in which registration is required by law, there shall be a board of deputy state supervisors of elections for each county consisting of four members who shall be qualified electors.

SECTION 2. That said original sections 4788 and 4803 of the General Code are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 2nd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
79

[House Bill No. 22.]

AN ACT

To provide for a record of real estate titles by descent and to amend section 2768 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2768 of the General Code be amended to read as follows:

Sec. 2768. The county recorder shall not record any deed of absolute conveyance of land until it has been presented to the county auditor, and by him indorsed "Transferred," or "transfer not necessary." Before any real estate, the title to which shall have passed under the laws of descent shall be transferred, as above provided, from the name of the ancestor to the heir at law or next of kin of such ancestor, or to any grantee of such heir at law or next of kin; and before any deed or conveyance of real estate made by any such heir at law or next of kin shall be presented to or filed for record by the recorder of any county, such heir at law or next of kin, or his or their grantee, his agent or attorney, shall present to such auditor the affidavit of such heir or heirs at law or next of kin, or of two persons resident of the state of Ohio, each of whom has personal knowledge of the facts, which affidavit shall set forth the date of such ancestor's death, and the place of residence at the time of his or her death; the fact that he or she died intestate; the names, ages, and addresses, so far as the ages and addresses are known and can be ascertained of each of such ancestor's heirs at law and next of kin, who by his death inherited such real estate and the relationship of each to such ancestor and the part or portion of such real estate inherited by each, which such transfers shall be made by the auditor in accordance with the statement contained in such affidavit, and such auditor shall indorse upon such deed or conveyance the fact that such transfer was made by affidavit. Such affidavit shall be filed with the recorder of the county in which such real estate is situated at or before the time when such deed or conveyance shall be filed with such recorder for record and shall be by him recorded in the record of deeds, and such affidavit of descent shall be by him indexed in the general index of deeds, in his office, in the name of such ancestor as grantor and in the name of each of such heirs at law or next of kin as grantees in the same manner as if such names occurred in a deed of conveyance from such ancestor to said heirs at law and for such indexing and recording the recorder shall receive the same fees as are provided by law for the indexing and recording of deeds.

Transfer of deed before record.

Affidavit, when title passes by law of descent, must be presented to auditor, before transfer.

Affidavit filed with recorder and the same recorded and indexed.

The said record of the affidavit above mentioned, shall, in the trial of any cause, so far as competent, be prima facie evidence only, of the truth of the statements made therein in accordance with the foregoing provision of

Evidence.

this act, but the truth of such statements may be rebutted or overcome by any competent evidence.

False affidavit.

Any person or persons who shall wilfully and fraudulently make affidavit to any statement above mentioned, which shall be false, knowing the same to be false or who shall, for the purpose above mentioned, deliver to any county auditor for the purpose of obtaining any such transfer, or deliver to the county recorder, for the purpose of having the same recorded, any such affidavit containing any such false statements, knowing the same to be such false statement shall be guilty of a misdemeanor and on conPenalty. vicition thereof, be fined in any sum not exceeding five hundred dollars and be imprisoned in the county jail not to exceed six months, or both, and in addition, be liable in damages to any person who may be injured by the making, filing, recording or use as aforesaid of such affidavit.

SECTION 2. That said original section 2768 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 3rd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.

80

[House Bill No. 119.]

AN ACT

To repeal an act entitled "An act enlarging the jurisdiction of the probate court in certain counties."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled: "An act enlarging the jurisdiction of the probate court in certain counties", passed May 19th, 1894, be and the same is hereby repealed.

Providing for the transfer of actions pending in probate court to court of common pleas.

SECTION 2. That all actions pending in any probate court by virtue of said act shall be transferred from said probate court to the common pleas court of the county in which said probate court is located, and shall be there disposed of the same as if they had been originally commenced in said common pleas court.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 2nd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.

81

[House Bill No. 121.]

AN ACT

To amend section 10629 of the General Code, relating to removal of executors or administrators.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10629 of the General Code be amended so as to read as follows:

Sec. 10629. The probate court may remove any executor or administrator, he having not less than five days' notice thereof, for habitual drunkenness, gross neglect of duty, incompetency, fraudulent conduct, removal from the state, or if there are unsettled claims or demands existing between him and the estate, which the court thinks may be the subject of controversy or litigation between him and the estate, or persons interested therein, or for any other cause which in its opinion renders it for the interest of the estate that such executor or administrator be removed.

Removal of executors and administrators.

SECTION 2. That said original section 10629 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 3rd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
82

[House Bill No. 90.]

AN ACT

To amend section 477 of the General Code pertaining to all revenues derived from the granting of leases of lands, docks, boat landings and other privileges connected with such parks or pleasure resorts including the Celina grand reservoir in Mercer and Auglaize counties.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 477 of the General Code be amended to read as follows:

Sec. 477. All revenues derived from the granting of leases of lands, docks, boat landings, boat license and other special privileges connected with such parks or pleasure resorts, including the Celina grand reservoir in Mercer and Auglaize counties, the amount so received for each, from any source shall be set apart as a special fund, for the purpose of maintaining, improving and policing such park, pleasure resort or reservoir, and shall be expended under

Revenues from leases of lands, docks and other special privileges, expended for maintaining and policing same.

the direction of such board and engineer, upon warrants drawn by the president of the board of public works, after a majority of such board and engineer has approved the bills or accounts, for which such warrants are drawn, at any regular or called session thereof.

SECTION 2. That said original section 477 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 3rd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
83

[House Bill No. 235.]

AN ACT

To amend section 8566 of the General Code relating to the foreclosure of certain chattel mortgages.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8566 of the General Code be amended to read as follows:

Sec. 8566. No chattel mortgage on the necessary household goods, wearing apparel or mechanic's tools of a person or family, except chattel mortgages given to secure the whole or some part of the purchase price thereof, shall be foreclosed, except in a court of record.

Goods and tools under chattel mortgage cannot be taken before foreclosure.

Such household goods, wearing apparel or mechanic's tools covered by a chattel mortgage shall not be seized or taken out of the possession of the mortgagor before foreclosure; any stipulation of such mortgage to the contrary notwithstanding.

SECTION 2. That said original section 8566 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 3rd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
84

[Senate Bill No. 77.]

AN ACT

To provide for the purchase of a site for the Perry's victory centennial celebration at Put-in-Bay, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Perry's victory centennial celebration.

SECTION 1. That there be and is hereby appropriated, out of any moneys in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, the sum of five thousand ($5,000) dollars, for the purchase of a site for the Perry's victory centennial celebration, to be held at Put-in-bay, Ohio, in the year 1913, to be disbursed by the Ohio commission of the Perry's victory centennial.

Commission appointed by governor.

SECTION 2. The Perry's victory centennial commission heretofore appointed by the governor under authority of house joint resolution No. 97, adopted by the 77th General Assembly of Ohio, and of Amended House Joint Resolution No. 6, adopted by the 78th General Assembly of Ohio, at its extraordinary session, is hereby authorized to purchase or procure by appropriation in the manner hereinafter provided, and cause to be deeded to the state of Ohio by good and sufficient deed, any tract or tracts of land located on Put-in-Bay or South Bass Island, in Ottawa county, Ohio, sufficient in quantity and suitable as to location, in the judgment of the commission, as a site for the centennial celebration to be held at said island in the year 1913. Upon the issue of proper vouchers by the commission, and the approval of the attorney general as to the title of such land, the auditor of state shall issue warrants upon the treasurer for such amounts as the commission shall certify, not exceeding the amount above appropriated.

Appropriation of lands under certain conditions.

SECTION 3. If, in the judgment of the commission, it is unable to purchase a sufficient and suitable tract of land on said island at a reasonable cost, the commission shall, in writing, notify the governor of such fact. The governor, shall thereupon notify the attorney general of such fact and direct him to proceed in the manner hereinafter provided to appropriate such lands as the commissioner may designate.

Proceedings.

SECTION 4. In the appropriation of such lands the attorney general shall proceed in the manner provided by law for the appropriation of property by municipal corporations, and shall exercise all the power and discharge all the duties as the representative of the state of Ohio which are imposed by law upon the city solicitor with regard to such proceedings on behalf of such municipal corporations. All the provisions of sections 3681 to 3694 inclusive of the General Code shall, insofar as the same are appropriate and applicable, govern the proceedings herein provided for, and wherever the word "corporation" occurs therein, the same shall be, for the purpose of such proceeding, held to mean "state."

Dedication.

SECTION 5. The land purchased or appropriated under authority of this act shall be used as a site for a memorial or other structures or buildings that may be erected thereon and for the celebration to be held at Put-in-Bay island in the year 1913 in commemoration of the one hundredth anniversary of the battle of Lake Erie. After the conclusion of said celebration said land shall be used and maintained as a public park as a permanent memorial of the battle of Lake Erie subject to such provisions and regulations as may be hereafter provided by law, and said land is hereby dedicated to both of such purposes.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 2nd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
85

[House Bill No. 297.]

AN ACT

To amend section 2269 of the General Code, as amended May 10, 1910, relative to reports of departments of state and state institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2269 of the General Code as amended May 10, 1910, be amended to read as follows:

Sec. 2269. The annual reports of the appointive state officers and boards shall be printed as follows:

Copies authorized printed of reports of departments and state institutions.

Adjutant general, eight hundred copies.

State board of agriculture, two thousand five hundred copies; report of live stock commission, fifteen thousand copies; report of nursery and orchard inspection, ten thousand copies; report of inspection of feed stuffs, ten thousand copies; report of inspection of fertilizers, ten thousand copies.

Superintendent of banks, seven hundred copies.

Commission for the blind, two thousand copies.

State board of dental examiners, two hundred and fifty copies.

State fire marshal, two thousand five hundred copies.

Commissioners of fish and game, two hundred copies.

State board of health, three thousand two hundred and fifty copies.

State highway commission, five thousand copies.

Superintendent of insurance as follows: Life insurance, one thousand two hundred copies; other than life,

one thousand two hundred copies; building and loan, one thousand five hundred copies.

Commissioner of labor statistics, three thousand five hundred copies.

State board of library commissioners, three hundred copies.

Chief inspector of mines, five thousand copies.

State inspector of oils, three hundred copies.

Supervisor of public printing, four hundred copies.

State railroad commission, each report to contain a railroad map of the state, seven hundred copies; in addition there shall be printed railroad maps on cloth paper to be mounted on rollers, eight thousand copies; in pocket edition form, sixteen thousand copies.

Ohio state university, five thousand copies.

Chief inspector of workshops and factories, one thousand seven hundred and fifty copies.

SECTION 2. That said original section 2269 of the General Code as amended May 10, 1910, be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 3rd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
86

[House Bill No. 382.]

AN ACT

To amend section 9894 of the General Code, relative to the commissioners levying one-tenth of one mill for the use of agricultural societies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9894 of the General Code be amended to read as follows:

Sec. 9894. When a county or a county agricultural society, owns or holds under a lease, real estate used as a site whereon to hold fairs, and the county agricultural society therein has the control and management of such lands and buildings, for the purpose of encouraging agricultural fairs, the county commissioners shall on the request of the agricultural society annually levy taxes of not exceeding a tenth of one mill upon all taxable property of the county, but in no event to exceed the sum of one thousand five hundred dollars, which sum shall be paid by the treasurer of the county to the treasurer of the agricultural society, upon

One-tenth mill levy for use of agricultural society.

an order from the county auditor duly issued therefor. Such commissioners shall pay out of the treasury any sum from money in the general fund not otherwise appropriated, in anticipation of such levy.

SECTION 2. That said original section 9894 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 10th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
87

[Senate Bill No. 238.]

AN ACT

To provide for the transfer of the control and management of certain lands, the control of which is now vested in the trustees of the Columbus state hospital, to the control of of the board of managers of the Ohio penitentiary, and to provide for the erection, equipping and maintaining of a stone crushing plant and stone quarry on the said lands, and for the employment of the Ohio penitentiary prisoners in the manufacture of road building materials therein, and quarrying dimension and other stone.

Be it enacted by the General Assembly of the State of Ohio:

Transfer of lands vested in trustees of Ohio state hospital to board of managers of Ohio penitentiary.

Description.

SECTION 1. That the board of trustees of the Columbus state hospital shall transfer to the board of managers of the Ohio penitentiary the control and management of the following described land: Being situated in the township of Franklin, county of Franklin, and state of Ohio, and beginning at the Nelson Foos double lime kiln on the south bank of the Scioto river, thence south 60 degrees east, passing an iron stake on river bank and running 35 chains to an iron stake, from which stake a white oak 24 inches in diameter, bears north 82½ degrees east 58 links distant; also a sugar tree 22 inches in diameter, bears north 28¾ degrees east 32 links distant to their centers; thence south 82 degrees east 10.75 chains to an iron stake, from which stake the southeast corner of gas and coal house bears north 64 degrees west 118½ links distant; thence north 60 degrees east, 10.26 chains to an iron stake; thence north 21 degrees west, passing an iron stake in the south property line of the Little Miami railroad and a square-cut stone with a hole in it as the north property line of said railroad, and also passing an iron stake at both the north and south property lines of the C. S. & C. R. R. and running 28.47 chains to an iron stake on the Scioto river, and near to and

in line with a cut limestone with a hole in it 1.15 chains before reaching low water mark; thence up said river north 61 degrees west, 2.82 north, 68½ degrees west, 6.85 north 75½ west, 4.25 chains to the beginning, containing 54.20 acres of land, and being part of survey No. 2668 of the Virginia military district, and in Franklin township, Franklin county, Ohio.

Exceptions.

There is excepted from the above described land a tract containing one and three-hundredths acres conveyed to John Murnane by the state of Ohio, December 9, 1893; also the rights of way across the same, as occupied by the Cleveland, Cincinnati, Chicago and St. Louis Railway Company; the Toledo & Ohio Central Railway Company; the Little Miami Railroad Company, and the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company. Also that portion of the above described tract of land lying and being south of the right of way of the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company, now in the actual use and occupancy by the trustees of the Columbus state hospital, which shall remain under the control of said trustees for the benefit of said institution.

There is also excepted from the above described tract of land any portions of the same now under lease, until the expiration of the terms for which said leases were granted, at which time said leased tracks shall pass under the control and management of the board of managers of the Ohio penitentiary, and to be used for the benefit of said Ohio penitentiary.

Section 2235-1.

SECTION 2. That the board of managers of the Ohio penitentiary shall erect upon the said land described in this act, such building or buildings as are necessary for the operation of a stone crushing plant, and quarry and shall equip the said building or buildings for the purpose of manufacturing and the production of crushed stone and in the preparation of road building and ballasting materials to be sold by the board of managers of the Ohio penitentiary in the open market, and may also conduct the business of quarrying and selling dimension and other stone.

Erect buildings and equip stone quarry and crushing plant.

SECTION 3. That said board of managers is authorized and directed to employ a competent architect or architects, engineer or engineers, superintendent or superintendents, and supervisors of labor in the erection, equipping and maintaining said stone crushing plant and quarry specified in section 2 of this act; and before erecting the said building or buildings and equipping the same as provided herein, plans and specifications therefor shall be made by a competent architect or architects and submitted to the governor and shall be approved by him.

Employment of architect, engineer, superintendent, etc.

All labor necessary for the erection, equipping and maintaining of the said stone crushing plant and quarry, as far as possible shall be performed by the prisoners of the Ohio penitentiary; and all materials as far as prac-

Labor to be performed by prisoners.

ticable, shall be obtained from the lands belonging to the state.

Tools, machinery and equipment.

The board of managers is authorized and directed to furnish all the proper tools, machinery and equipment necessary to carry out the provisions of this act when the same is completed and ready for operation.

The board of managers shall comply with the general provisions of the statutes of Ohio in regard to advertising and receiving bids for material and labor for the erection of public buildings.

Section 2235-2.

Detail prisoners upon requisition of board.

SECTION 4. The warden of the Ohio penitentiary shall, upon the requisition of the board of managers, detail the prisoners needed in the erection, equipment and maintenance of said building or buildings, and shall also detail to the board of managers the prisoners needed to properly operate said stone crushing plant and quarry; but the warden shall furnish the guards and shall have control of the discipline of the prisoners and shall be responsible for their safe keeping and shall maintain and safely transport any prisoners detailed for work at the said stone crushing plant.

Guards; transportation of same.

Appropriation.

SECTION 5. That there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of thirty thousand dollars ($30,000.00) for the erection, equipping and maintaining of the building or buildings of the said stone crushing plant and quarry and upon the issue of proper vouchers by the said board of managers, the state auditor shall issue warrants upon the treasury for such amounts as the board of managers shall certify, not exceeding the amount above authorized.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 2nd, 1911.
Approved May 8th, 1911.

JUDSON HARMON,
Governor.
88

[House Bill No. 31.]

AN ACT

To amend Section 8970 and to repeal Section 8971 of the General Code relating to liability of railroad companies for loss or damage by fires, and prescribing rules of evidence.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Section 8970 of the General Code be amended to read as follows:

Sec. 8970. Every company, or receiver of such company, operating a railroad or a part of one shall be liable for all loss or damage by fires originating upon the land belonging to it caused by operating such road. Such company, or receiver of such company, further shall be liable for all loss or damage by fires originating on lands adjacent to its land, caused in whole or part by sparks from an engine passing over such railroad, and the exercise by such company, or receiver of such company, of due care in equipping and operating such engine shall not exempt such company, or receiver of such company, from such liability, which may be recovered before any court of competent jurisdiction within the county in which the lands on which such loss or damage occurs are situated. The existence of fires upon the railroad company's lands is prima facie evidence that they are caused by operating such railroad. Provided that nothing herein shall invalidate or prohibit contracts of such company or receiver now existing or hereafter made, by which such company or receiver is indemnified against such loss or damage by fire, or liability therefor released.

Liability of railroad company for loss or damage by fire.

Evidence.

SECTION 2. That said original Sections 8970 and 8971 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 5th, 1911.

This bill was presented to the Governor May 5th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State May 22nd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
89

[Senate Bill No. 255.]

AN ACT

To reimburse the Columbus chamber of commerce for money expended by it in paying assistants and deputies to the sheriff for the purpose of maintaining peace and order in Franklin county, Ohio, during the months of August, September and October, 1910.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Franklin county, Ohio, be and said board is hereby authorized and empowered to appropriate from the general expense fund and to pay to the Columbus chamber

Reimbursement of the Columbus chamber of commerce.

of commerce, as trustee, the sum of six thousand one hundred thirty-one dollars and sixty cents ($6,131.60) to reimburse the Columbus chamber of commerce, as trustee, for money expended by it in paying assistants and deputies to the sheriff of Franklin county, Ohio, and in procuring arms and supplies, and furnishing transportation for the said sheriff and his assistants and deputies, for the purpose of preserving peace and order during the disturbances occurring in Franklin county, Ohio, through the months of August, September and October, 1910.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor
90

[House Bill No. 486.]

AN ACT

Relating to the refunding of illegal tax assessments.

Be it enacted by the General Assembly of the State of Ohio:

Section 12078-1. SECTION 1. That if, by judgment or final order of any court of competent jurisdiction in this state, in an action not pending on appeal or error it has been or shall be adjudged and determined that any taxes or assessment or part thereof levied after January 1, 1910, was illegal and such judgment or order has not been made or shall not be made in time to prevent the collection or payment of such tax or assessment, then such tax or assessment or such part thereof as shall at the time of such judgment or order be then unexpended and in the possession of the officer collecting the same, shall be repaid and refunded to the person paying such tax or assessment by the officer having the same in his possession.

Refunding illegal tax assessments.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 2nd, 1911.
Approved May 11th, 1911.

JUDSON HARMON,
Governor.
91

[Senate Bill No. 284.]

AN ACT

Supplementary to an act passed April 23, 1898, (93 O. L. p. 637) entitled "An act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants passed May 4, 1869, (66 O. L. p. 80)" and to all acts supplementary to said act of May 4, 1869, and authorizing the board of trustees appointed under the act of May 4, 1869, to issue additional bonds for terminal facilities and permanent betterments for the line of railway.

Be it enacted by the General Assembly of the State of Ohio:

Trustees may issue bonds for terminal facilities and betterment of railway.

SECTION 1. That it shall be lawful for the board of trustees appointed under the act of May 4, 1869, to which this is supplementary and they are hereby authorized to borrow as a fund for completing the terminal facilities for and in making permanent betterments on the line of railway of which they are trustees, in addition to the sum heretofore authorized, a sum not to exceed five hundred thousand dollars and to issue bonds therefor in the name and under the corporate seal of the city owning the line of railway; said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this is supplementary and shall be secured by a pledge of the faith of the city and a tax in addition to all other taxes for municipal purposes which shall be annually levied by the council of said city on the real and personal property returned on the grand levy sufficient to pay the interest in any lawful money of the United States at such times and places and in such sums as shall be deemed best by said board; provided that none of the bonds authorized by this act shall bear a greater rate of interest than four per centum per annum, nor be sold for less than par; and provided further, that not more than one hundred thousand dollars shall be borrowed or bonds issued therefore in any one year.

Agreement may be made with lessee.

SECTION 2. The trustees of said railway are hereby authorized and empowered to agree with any lessee of said line of railway, that they will exercise the powers granted them in the first section of this act, on condition that said lessee company will enter into a supplementary agreement with said trustees by which said lessee company will obligate itself as and by way of further additional rental for said line of railway, to pay said trustees such sum annually as will equal the interest charge upon said bonds and provide a sinking fund for their redemption at maturity.

How fund shall be expended.

SECTION 3. The said trustees shall expend said fund in completing any terminal facilities for said railway heretofore determined upon by them and partially completed with the proceeds of the bonds issued under the act of April 23, 1898, to which this is supplementary and in making permanent betterments upon the line of said railway, and they shall have the same powers in the expenditure

thereof, as they had with reference to the fund expended under the acts to which this is supplementary.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
92

[House Bill No. 340.]

AN ACT

To amend section 1 of an act, entitled an act to establish a police court in the city of Akron, Summit county, Ohio, passed May 10, 1910.

Be it enacted by the General Assembly of the State of Ohio:

That section one of an act, entitled an act to establish a police court in the City of Akron, Summit County, Ohio, passed May 10, 1910, be amended to read as follows:

A police court in city of Akron established.

SECTION 1. That there is hereby established in the city of Akron, Summit county, a police court to be held by a judge which court shall be styled the police court and be a court of record, and shall have jurisdiction of any offense under any ordinance of such city of Akron and of any misdemeanor committed within the limits of Summit county, to hear and finally determine the same and impose the prescribed penalty; but cases in which the accused is entitled to a trial by jury shall be so tried unless a jury be waived in writing by the accused. Such court shall have a clerk who shall have the qualifications of an elector and shall be elected in the same manner and for the same term as other police court clerks are elected.

An attorney as judge of court may practice in other courts.

The judge of such court, if a member of the Ohio bar, shall be permitted to practice as an attorney and counselor at law in any other court in such state in any and all matters or business not originating or pending in such court.

SECTION 2. That said original section 1 of an act, entitled an act to establish a police court in the city of Akron, Summit county, Ohio, passed May 10, 1910, be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 11th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
93

[House Bill No. 596.]

AN ACT

To amend section 1 of an act entitled "An act to make appropriation for the improvements and maintenance of Fort Meigs" passed May 10th, 1910, (O. L. vol. 101, pages 255 and 256) to make more definite the appropriation for the improvement and maintenance of Fort Meigs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of "An act passed May 10th, 1910, (O. L. vol. 101, pages 255 and 256) be amended to read as follows:

Sec. 1. That the following sum be and the same is hereby appropriated out of any moneys in the state treasury, to the credit of the general revenue fund not otherwise appropriated: Building driveways, walks, barn, planting trees, shrubs and plants, and maintenance and repair of buildings and grounds....$3,629.02.

Appropriation for Fort Meigs.

SECTION 2. That said original section 1 be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 10th, 1911.
Approved May 13th, 1911.

JUDSON HARMON,
Governor.
94

[House Bill No. 82.]

AN ACT

Defining liability of certain transportation companies for damages to freight.

Be it enacted by the General Assembly of the State of Ohio:

Section 8994-1. SECTION 1. That any common carrier, railroad or transportation company receiving property at a point within the state of Ohio for transportation to a point within the state of Ohio, shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, and no contract, receipt, rule or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: Provided, that nothing in this sec-

Liability for loss or damage to freight regardless of contract or rule of common carrier.

tion shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

Right of recovery against carrier on whose line loss or damage occurred.

That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage or injury as it may be required to pay the owners of such property as may be evidenced by any receipt, judgment, or transcript thereof.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 3rd, 1911.
Approved May 15th, 1911.

JUDSON HARMON,
Governor.
95

[House Bill No. 283.]

AN ACT

To amend sections 12593, 12862, 12863, 12945, 13019, 13105, 13125 and 13198 of the General Code, for the purpose of correcting typographical errors therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 12593, 12862, 12863, 12945, 13019, 13105, 13125 and 13198 of the General Code be amended to read as follows:

Liability of employer for improper ladders or scaffolding.

Sec. 12593. Whoever, employing or directing another to do or perform labor in erecting, repairing, altering or painting a house, building or other structure, knowingly or negligently furnishes, erects or causes to be furnished for erection for and in the performance of said labor unsuitable or improper scaffolding, hoists, stays, ladders or other mechanical contrivances which will not give proper protection to the life and limb of a person so employed or engaged, shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

Penalty.

Assignment of claim or debt for collection by attachment outside of state, unlawful.

Sec. 12862. Whoever, sells, assigns or transfers a claim or debt against a resident of this state for the purpose of having it collected by proceeding in attachment in courts outside the state, or, with intent to deprive a resident of this state of a right to have his personal earnings exempt from application to the payment of his debts, sends out of this state a claim or debt against such person for such purpose, where the creditor and debtor and the person or corporation owning the money intended to be reached by

such proceedings are within the jurisdiction of the courts of this state, shall be fined not less than twenty dollars nor more than fifty dollars. Penalty.

Sec. 12863. Whoever purchases a claim or debt against a resident of this state for the purpose of having it collected by proceedings in attachment in courts outside of this state, or with the intent to deprive a resident of this state of the right to have his personal earnings exempt from application to the payment of his debts, where the creditor and debtor and the person or corporation, owing the money intended to be reached by such proceedings, are within the jurisdiction of the courts of this state, shall be fined not less than twenty dollars nor more than fifty dollars. Purchase of claim for purpose of collection outside of state, unlawful.

Sec. 12945. Whoever sells goods or supplies to his employe, or pays such employe wages or a part thereof in goods or supplies, directly or through the intervention of scrip, orders or other evidence of indebtedness, at higher prices than the reasonable or current market value in cash of such goods or supplies, or, without an express contract with his employe, deducts or retains the wages of such employe, or a part thereof, for ware, tools or machinery destroyed or damaged, shall be fined not less than twenty dollars nor more than one hundred dollars or imprisoned not more than sixty days or both. Payment in scrip prohibited at higher prices. Deductions from wages prohibited.

Sec. 13019. The board of managers of the penitentiary, or reformatory, to which a person is sentenced and confined under this subdivision of this chapter, shall credit such person with forty cents per day for each working day during the period of such confinement, which shall be paid, or caused to be paid, by such board to such trustee. Persons confined in penitentiary shall be credited with 40c per day.

Sec. 13105. Whoever, knowing it to be false or fraudulent in whole or in part, makes, presents for payment or certifies as correct to the general assembly, either house thereof or a committee thereof, or the auditor of state, other state officer or board thereof, or the auditor, commissioners or other officers of a county, or the auditor or other accounting officer of a municipal corporation, or the township trustees or other township officer, a claim, bill, note, bond, account, pay roll or other evidence of indebtedness, for procuring its allowance or an order for the payment thereof out of the treasury of the state, or of such county, township or municipal corporation, or whoever, knowing it to be false and fraudulent in whole or in part, receives payment thereon from the treasurer of the state, or a county, township or municipal corporation, if it is false or fraudulent to the amount of thirty-five dollars or more, shall be imprisoned in the penitentiary not less than one year nor more than ten years, or, if it is fraudulent to a sum less than that amount, shall be fined not more than two hundred dollars or imprisoned not more than thirty days, or both. False bill, note, bond, etc., for payment out of public treasury prohibited. Penalty.

Sec. 13125. Whoever, with intent to defraud, knowingly sells or conveys land or an interest therein, without

Penalty for conveyance of land without title.

having title to it either in law or equity, by descent, devise, written contract or deed of conveyance, shall be imprisoned in the penitentiary not less than one year nor more than seven years.

Penalty for furnishing or buying intoxicating liquor for person intoxicated or in the habit.

Sec. 13198. Whoever buys intoxicating liquor for, or sells, or furnishes it to, a person who is intoxicated or in the habit of getting intoxicated, unless given by a physician in the regular line of his practice, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned not less than ten days nor more than thirty days, or both.

SECTION 2. That said original sections 12593, 12862, 12863, 12945, 13019, 13105, 13125 and 13198 of the General Code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 10th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
96

[House Bill No. 191.]

AN ACT

To amend sections 1299, 1301, and 12705 of the General Code, providing for the certificates of pharmacists and record thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1299, 1301 and 12705 of the General Code, be amended so as to read as follows:

Meetings.

Sec. 1299. The state board of pharmacy shall meet in Columbus on the second Monday of January, the third Monday of June, and the second Monday of October in each year and at such other times and places as the board may direct. The board shall have a seal and prescribe such rules for its own government as it deems proper.

Application for registration.

Sec. 1301. A person desiring to be registered as a pharmacist or assistant pharmacist, shall file with the secretary of the state board of pharmacy a verified application giving his age, place or places at which he studied or practiced pharmacy and the time spent in such study or practice, and appear before the board and take an examination in the following subjects: chemistry, botany, materia medica, toxicology and the theory and practice of pharmacy. Examination of those so applying for regis-

Examination.

tration as pharmacists or assistant pharmacists shall be held at such times, during each year, and at such places as the board may determine.

Retail drug store must be conducted by a legally registered pharmacist.

Sec. 12705. Whoever, not being a legally registered pharmacist, manages or conducts a retail drug store unless he has in his employ in full and actual charge of the pharmaceutical department of such store, a pharmacist legally registered under the laws of this state, and, whoever being a legally registered pharmacist shall manage or conduct a retail drug store without being personally in full and actual charge of such store, or unless he has in his employ in full and actual charge of the pharmaceutical department of such store a pharmacist legally registered under the laws of this state, shall be fined not less than twenty dollars nor more than one hundred dollars. Each day's violation of this section shall constitute a separate offense. A retail drug store, within the meaning of this section, shall be any room, rooms or place of business wherein drugs, poisons, chemicals or pharmaceutical preparations shall be offered or displayed for sale at retail, or upon which as a sign the words "pharmacy," "drugs," "drug store," "pharmacist," "pharmaceutical chemist," "apothecary" or any of these words, or their equivalent in any language, are or is displayed.

Definition.

SECTION 2. That said original sections 1299, 1301 and 12705 of the General Code be and are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 5th, 1911.
Approved May 15th, 1911.

JUDSON HARMON,
Governor.
97

[House Bill No. 362.]

AN ACT

Prohibiting the collection of toll on all roads now or hereafter constructed, laid out, established or built under the provisions of Chapter Eight (8) and Chapter Nine (9), Title IV of the General Code, amendments thereto and under the provisions of any act authorizing the collection of toll on roads constructed and built by township authorities and to repeal sections 7274 and 7300 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 7300.

SECTION 1. That the collection of toll on all roads, laid out, established or built under the provisions of Chap-

Toll prohibited.

ter Eight (8) and Chapter Nine (9), Title IV of the General Code and also under the provisions of any acts or parts of acts authorizing the collection of toll on roads constructed and built by township authorities, or under any special act of the legislature, is hereby prohibited. The county commissioners shall annually assess and levy a tax on the general tax duplicate of the county, sufficient to repair and preserve all such roads.

Tax levy for repair.

SECTION 2. Sections 7274 and 7300 of the General Code and all acts and parts of acts in conflict herewith are hereby repealed.

The sectional number hereon is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 10th, 1911.
Approved May 17th, 1911.

JUDSON HARMON,
Governor.
98

[Senate Bill No. 164.]

AN ACT

To amend section 1716 of the general code, relating to the jurisdiction of justices of the peace.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1716 of the general code be amended so as to read as follows:

Jurisdiction in attached territory.

Sec. 1716. If a part of a township is attached to another township, justices of the peace residing within the limits of that part so attached shall execute the duties of their office in the township to which such part is attached in the same manner as if elected for such township, and may hold court therein.

SECTION 2. That said original section 1716 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 15th, 1911.
Approved May 15th, 1911.

JUDSON HARMON,
Governor.
99

[House Bill No. 440.]

AN ACT

To amend sections 4968, 4999, 5018, and 5094 of the General Code, providing for the direct nomination and popular election of United States Senators.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4968, 4999, 5018, and 5094, of the General Code, be amended to read as follows:

Sec. 4968. At primary elections, where candidates may be chosen to the general assembly, whose duty it shall be to elect a United States senator, there shall be placed on the official primary ballots, by each of the boards of deputy state supervisors of elections, the names of all candidates for United States senator who shall have filed with the state supervisor of elections petitions signed by two per cent. (2%) of the electors in the state, of the party of which such candidate for United States senator is a member, as shown by the vote for the party's candidate for governor at the last general election; provided, however, that in arriving at the required two per cent. (2%) of the electors, not more than one-fifth (1-5) of one per cent. (1%) of the electors, in the state of the party of which such candidate is a member, as shown by the vote for the party's candidate for governor at the last general election, shall be counted from any one county. Such petitions shall be filed at least fifty days before such primary with the state supervisor of elections, who shall thereupon certify such names to the boards of deputy state supervisors of elections of the several counties. Such boards of deputy supervisors of elections shall canvass the votes and certify the results to the state supervisor of elections.

Names of candidates for U. S. senator shall be placed on primary ballot.

Time of filing petitions.

Canvass and returns.

The candidate of each party who receives the largest number of votes at such primary election shall be and become the candidate of his party for such office and his name shall be placed upon the official election ballot as provided in section 5018 of the General Code.

In case an elector seeks nomination for the office of senator or representative in a general assembly of the state of Ohio, whose duty it shall be to elect a United States senator, he may include one of the following two statements in his petition; but if he does not do so, the state supervisor of elections, or the board of deputy state supervisors of elections, as the case may be, shall not on that account refuse to file his petition:

Declaration of candidate for general assembly.

"STATEMENT NO. 1

"I further state to the electors of Ohio, as well as to the people of my legislative district, that during my term

of office I will always vote for that candidate for United States senator who shall receive the highest number of the votes of qualified electors for that position at the general election next preceding the election of a United States senator, without regard to my individual preference.

.....

"Signature of candidate for nomination."

"STATEMENT NO. 2.

"During my term of office I shall consider the vote of the electors for United States senator as nothing more than a recommendation which I shall be at liberty to wholly disregard, if the reasons for so doing seem to me to be sufficient.

.....

"Signature of candidate for nomination."

Filing copy of statement.

Any candidate for member of the general assembly who shall have been nominated by a delegate convention, may file with the board of deputy state supervisors of elections, duly signed by him, a copy of statement No. 1, or statement No. 2, as herein set forth; and when either of such statements shall have been so filed by such candidate it shall be the duty of the board of deputy state supervisors of elections, within three days, to file such statement with the state supervisor of elections, retaining a copy thereof in the records of the board of deputy state supervisors of elections.

Nominations for U. S. senator may be made by nomination papers.

Sec. 4999. Nominations of candidates for United States senator, or for other offices, may be made by nomination papers, signed for each candidate by qualified electors of the state or the district, or division, for which such candidates, are nominated, not less in number than one for each one hundred persons who voted at the next preceding general election in the state, district or division.

Arrangement of ballot.

Sec. 5018. In general the arrangement of the ballot shall conform as nearly as practicable to the plan hereinafter given. The tickets of the various political parties shall be printed in parallel columns headed by the chosen device upon a shaded background, and the party names in such order as the secretary of state directs, precedence being given to the political party which held the highest number of votes for governor at the next preceding November election, and so on, provided, however, that the names of candidates for United States senator shall appear upon the ballot next below the name of the candidates for governor. The tickets, or lists, of candidates nominated by nomination papers, with their party names or designations, shall be printed at the right of and parallel with the tickets of political parties in such order as the secretary of state

directs, precedence being given to the order herein prescribed for party tickets. No ticket or list of candidates containing more candidates for any office than are to be elected shall be printed under the name of any party.

Opening returns; abstracts made.

Sec. 5094. Within five days after the election or sooner in case the returns are made, the board of deputy state supervisors of the county shall open the several returns made to them and make abstracts of the votes in the following manner:

1. Upon a single sheet, an abstract of votes for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state and attorney general.

2. Upon another sheet, an abstract of votes for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, state commissioner of common schools, members of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner and representatives in congress.

3. Upon another sheet, an abstract of votes for governor, lieutenant governor, secretary of state, treasurer of state, attorney general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner, judge of the circuit court, judge of the common pleas court, representatives to congress, senators and representatives to the general assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director and coroner.

4. And upon another sheet, an abstract of votes of each elector of president and vice-president of the United States.

5. Upon another sheet an abstract of the votes for United States senator, and the state supervisor of elections shall transmit duplicate copies of the vote for the candidates for United States senator to the general assembly at its next ensuing session; one of which copies shall be addressed to the senate and one to the house of representatives of the state of Ohio; one copy of which shall be delivered by him to the president of the senate, and the other to the speaker of the house of representatives, after the organization of such bodies which presiding officers shall open and lay the same before the separate bodies when assembled to elect a United States senator as now required by the laws of congress, and it shall be the duty of each house to count the votes and announce the candidate for United States senator receiving the highest number of votes, and thereupon the general assembly shall proceed to the election of a United States senator as required by the act of congress and the constitution of the state of Ohio.

SECTION 2. That such original sections 4968, 4999, 5018 and 5094 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 10th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
100

[House Bill No. 193.]

AN ACT

To amend section 4295 of the General Code, relating to security to be furnished by municipal depositaries, and to make the same applicable to all political sub-divisions of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4295 of the General Code be amended to read as follows:

Council may require depositaries to give security.

Sec. 4295. The council may provide by ordinance for the deposit of all public moneys coming into the hands of the treasurer, in such bank or banks, situated within the county, as offer, at competitive bidding, the highest rate of interest and give a good and sufficient bond issued by a surety company authorized to do business in the state, or furnish good and sufficient surety, or secure said moneys by a deposit of bonds or other interest bearing obligations of the United States or those for the payment of principal and interest of which the faith of the United States is pledged, including bonds of the District of Columbia; bonds of the State of Ohio or of any other State of the United States; legally issued bonds of any city, village, county, township or other political subdivision of this or any other state or territory of the United States and as to which there has been no default of principal, interest or coupons, and which in the opinion of the Treasurer are good and collectible, providing the issuing body politic has not defaulted at any time since the year 1900, in the payment of the principal and interest of any of its bonds, said security to be subject to the approval of the proper municipal officers, in a sum not less than ten per cent. in excess of the maximum amount at any time to be deposited, but there shall not be deposited in any one bank an amount in excess of the paid in capital stock and surplus of such banks, and not in any event to exceed one million dollars. And whenever any of the funds of any of the political subdivisions of the state shall be deposited under any of the

Security subject to approval of proper officers.

Limitation of deposits.

depositary laws of the state, the securities herein mentioned, in addition to such other securities as are prescribed by law, may be accepted to secure such deposits.

SECTION 2. That said original section 4295 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed May 11th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
101

[House Bill No. 469.]

AN ACT

To provide for the appointment of a commission to revise, consolidate and suggest amendments to the statute laws of the state of Ohio which pertain to children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor be, and is hereby, authorized and required to appoint two (2) competent commissioners to revise, consolidate and suggest amendments and additions to the statute laws of the state of Ohio which pertain to children, and which may be in force at the time such commissioners shall make their report; and in case a vacancy shall occur in such commission by reason of death or resignation the governor is hereby authorized to fill such vacancy. Two commissioners.

The commissioners shall be appointed and commence the discharge of their duties not later than the first day of July, 1911, and shall report to the governor not later than the first day of July, 1912. Such report shall be transmitted by the governor to the general assembly next following. Term; report.

SECTION 2. That in performing this duty such commissioners shall unify the present laws pertaining to illegitimate, defective, neglected, dependent and delinquent children, and to their treatment, care, maintenance, custody, control, protection and reformation; and shall suggest such amendments and additions as, to them may seem best calculated to bring the statute law of this state into harmony with the best thought on this subject. They shall arrange their report with head-notes briefly expressive of the matters contained therein, and with marginal notes of the contents of each section and with reference to the original act from which it is compiled. They shall provide, by an index, for an easy reference to every portion of their Unification of laws. Head notes and index.

report, and shall designate such statutes and parts of statutes as, in their judgment, ought to be repealed, with the reasons for such recommendation.

Stenographers and clerks.

SECTION 3. That such commissioners shall have free access to the rooms, books and records in the several departments of the state, county and municipal governments; may, with the consent of the governor, employ stenographers and clerks, and secure such expert advice and assistance as to them may seem advisable; and shall be furnished by the state with suitable rooms in the State Capitol Building for the transaction of the work and with all necessary stationery.

Rooms.

No compensation.

SECTION 4. That such commissioners shall serve without compensation, but shall render an account to the governor of the clerical and expert service rendered and the expense of the same, together with all incidental expenses incurred by such commission, including their own expenses.

Expense.

The compensation of such clerks and experts shall be fixed by the commissioners, and such compensation, together with the expenses of said commission, shall be paid, from time to time, upon the certified warrant of the auditor of state, but the total of such expenditures shall not exceed three thousand ($3,000.00) dollars, which sum is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
102

[House Bill No. 320.]

AN ACT

To prohibit the manufacture and sale of certain kinds of weapons.

Be it enacted by the General Assembly of the State of Ohio:

Section 12819-1.
Manufacture and sale of certain weapons prohibited.
Penalty.

SECTION 1. Whoever manufacturers, sells or exposes for sale, any weapon known or designated as brass knuckles, billy, slung-shot, sand-bag, black-jack or other weapon of similar character, shall, for the first offense be fined not less than ten dollars nor more than fifty dollars, and for the second and subsequent offenses, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than thirty days nor more than six months.

Section 12819-2.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. The provisions of this act shall not apply to any such weapons as may be designated for use by officers of the law.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
103

[Senate Bill No. 69.]

AN ACT

To amend sections 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1147, 1148, 1149, 1151, 1152, 1153, 1155, and to repeal section 1146 of the general code, relative to the sale of commercial fertilizers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1147, 1148, 1149, 1151, 1152, 1153 and 1155 of the general code be amended so as to read as follows:

Sec. 1139. Each person, firm or corporation who manufactures, sells or offers for sale in the state a commercial fertilizer, which means any substance for fertilizing or manurial purposes, except barn yard manure, marl, lime and plaster, shall affix to each package in a conspicuous place on the outside thereof, a plainly printed certificate which shall state the number of net pounds contained therein, the name, brand or trade mark, under which it is sold, or offered for sale, the name of the manufacturer, with his or its postoffice address. Such certificate shall contain also a chemical analysis which shall state the minimum percentages guaranteed of ammonia of potash soluble in water, of phosphoric acid in available form, comprising the soluble and reverted, and of insoluble phosphoric acid the sources of ammonia and the sources of insoluble phosphoric acid. In bone, tankage and basic slag unmixed with other material the phosphoric acid shall be claimed only as total phosphoric acid. In untreated phosphoric rock and other mineral phosphoric materials, the phosphoric acid shall be claimed only as insoluble phosphoric acid. When any commercial fertilizer, sold or offered for sale in this state, contains muck, peat, pulverized leather, hair, ground horn or wool waste or other materials in which the ammonia is largely unavailable, such certificate shall state explicitly such fact.

Each package of commercial fertilizer must have plainly printed certificate, showing name of manufacturer, ingredients and analysis.

Sec. 1140. No other form of analysis, and no duplication of terms or the equivalent thereof in other terms shall be used except that the nitrogen equivalent to the am-

monia may be stated. No percentages higher than the lowest actually guaranteed shall be affixed to a package printed upon a bag or used in printed matter descriptive of such fertilizer. No false or misleading name, brand or trade mark shall be used in designating a commercial fertilizer, or a name, brand or trade mark indicating that the essential ingredients thereof were obtained from bone or animal substance, if the source thereof was wholly or in part a mineral substance. Any material in which the organic matter has been destroyed by heat shall be deemed mineral substance.

False or misleading name, brand or trade mark prohibited.

Sec. 1141. Before selling or offering for sale any commercial fertilizer within this state, each person, firm or corporation shall file with the state board of agriculture, a certified copy of such certificate.

Filing of certificate.

Sec. 1142. No commercial fertilizer shall be sold or offered for sale if the percentage of any ingredient, element or constituent is less than the minimum percentage claimed or guaranteed; provided that there may be a deficiency of six per cent. of the amount claimed in any one ingredient before evidence of fraudulent intent shall be presumed; if there is a corresponding excess in the other ingredients claimed on the basis of the following equivalents in value: One part of ammonia shall be deemed equivalent to three parts of available phosphoric acid; one part of ammonia shall be deemed equivalent to three parts of potash; one part of ammonia shall be deemed equivalent to six parts of insoluble phosphoric acid from annual matter; one part of ammonia shall be deemed equivalent to twelve parts of insoluble phosphoric acid from mixed animal and mineral matter; in bone or tankage one part of ammonia shall be deemed equivalent to five parts of total phosphoric acid.

Fertilizer must contain the minimum percentage of ingredient claimed.

Sec. 1143. Before selling or offering for sale within this state a commercial fertilizer, a person, firm or corporation shall pay each year, a license fee to the state board of agriculture for the sale of each brand thereof thirty dollars. Upon application and payment of such fee said board shall issue a license for the current year. All licenses shall expire on the 31st day of December of each year. The payment of such license fee by a person, firm or corporation, shall exempt an agent thereof from the requirements of this section.

License.

Sec. 1144. Each year at least one analysis shall be made of each brand of commercial fertilizer sold within this state. All such analyses shall be made under the direction of the state board of agriculture, and the expenses thereof paid by said board, from a fund arising from the payment of license fees provided for in the preceding section.

Analysis each year.

Sec. 1145. For the purposes of analysis and comparison with the certificate deposited with it and with the certificate on such package the state board of agriculture, or a person appointed by it, shall take a quantity of not less

Analysis made from quantity taken from package exposed for sale.

than one pound and not exceeding two pounds, from packages of commercial fertilizer exposed or offered for sale within this state, or in the possession of a dealer, consumer or transportation company. Such sample shall be taken from at least five per cent. of the sacks or other packages comprising the whole lot sampled. If there are less than one hundred sacks in the lot sampled, sample shall be taken from not less than five sacks, if there are less than five sacks in the lot sampled, samples shall be taken from not less than three sacks.

A person not a dealer may have analysis made.

Sec. 1147. Any person not a dealer in, or agent for a fertilizer who purchases a commercial fertilizer in this state for his own use, and not for sale, may have an analysis thereof made under the direction of the state board of agriculture.

How samples taken.

Sec. 1148. A sample for such analysis shall be taken by the purchaser in the presence of the person, firm or agent selling the fertilizer, from at least ten per cent. of the sacks or other packages comprising the whole lot purchased. If there are less than one hundred sacks in the lot purchased, samples shall be taken from not less than ten sacks; and if there are less than ten sacks in the lot purchased samples shall be taken from each sack, and all such samples shall be taken in the manner required by the state board of agriculture. If the person, firm or agent refuses to witness the taking thereof, the samples may be taken in the manner described in the presence of two disinterested witnesses, who shall certify to the manner of taking such samples.

Sec. 1149. The samples shall be taken at the time and place of delivery to the purchaser, from dry, undamaged goods, and from packages or sacks not theretofore opened, broken or resacked and thoroughly mixed. At least two pounds thereof must be put into two cans or jars, marked to identify it and to show by whom sent and shall be securely sealed and forwarded by express, all charges prepaid to the state board of agriculture, Columbus, Ohio, together with the printed certificate from one of the bags or packages so sampled with the name and address of the person or firm from whom the fertilizer was purchased and the amount purchased, accompanied by a fee of one dollar for each element for which analysis is asked.

Sec. 1151. If a sample shall have been submitted for analysis without complying with the requirements of the preceding sections, the state board of agriculture, in its discretion may accept such sample for analysis if it believes it is a fair sample of the fertilizer delivered to the purchaser.

Power to take samples.

Sec. 1152. The state board of agriculture and such assistants, agents, experts and chemists, as it may duly authorize for the purpose, shall have the power to open any package or vessel containing or supposed to contain any commercial fertilizer, and take therefrom samples for analysis upon tendering the value of said samples.

Elementary branches.

Sec. 7830. No person shall be employed or enter upon the performance of his duties as a teacher in any elementary school supported wholly or in part by the state in any village, township or special school district who has not obtained from a board of school examiners having legal jurisdiction a certificate of good moral character; that he or she is qualified to teach orthography, reading, writing, arithmetic, English grammar and composition, geography, history of the United States, including civil government, physiology, including narcotics, literature, and on and after September first, 1912, elementary agriculture, and that he or she possesses an adequate knowledge of the theory and practice of teaching.

Knowledge of agriculture required and taught on and after Sept. 1st, 1912.

Sec. 7831. No person shall be employed or enter upon the performance of his duties as a teacher in any recognized high school supported wholly or in part by the state in any village, township or special school district, or act as a superintendent of schools in such district, who has not obtained from a board of examiners having legal jurisdiction a certificate of good moral character; that he or she is qualified to teach literature, general history, algebra, physics, physiology, including narcotics, and in addition thereto, four branches elected from the following branches of study: Latin, German, rhetoric, civil government, geometry, physical geography, botany and chemistry, and on and after September first, 1912, agriculture; and that he or she possesses an adequate knowledge of the theory and practice of teaching.

Agriculture to be taught in high schools.

SECTION 2. That said original sections 7830 and 7831 of the General Code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.

106

[House Bill No. 125.]

AN ACT

To amend section 772 of the General Code, relating to time in which state printing of the fourth class shall be printed.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 772 of the General Code be amended to read as follows:

State printing of fourth class; how and when it shall be done.

Sec. 772. The laws specified in the fourth class shall be printed within thirty days by the contracting printer, after the receipt of copy from the secretary of state, in super royal octavo form on good long primer type, and the

pages shall be of the same size and form as required for the journals and documents, with marginal notes in the general laws printed in brevier and nonpareil type.

SECTION 2. That said original section 772 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 5th, 1911.
Approved May 15th, 1911.

JUDSON HARMON,
Governor.
107

[House Bill No. 178.]

AN ACT

To amend sections 4306 and 4307 of the General Code relating to duties of prosecuting attorney of police or mayor's court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4306 and 4307 of the General Code be amended to read as follows:

Sec. 4306. The solicitor shall also be prosecuting attorney of the police or mayor's court. When council allows an assistant or assistants to the solicitor, he may designate an assistant or assistants to act as prosecuting attorney or attorneys of the police or mayor's court. The persons thus designated shall be subject to the approval of the city council.

Solicitor shall be prosecuting attorney of police or mayor's court.

Sec. 4307. The prosecuting attorney of the police or mayor's court shall prosecute all cases brought before such court, and perform the same duties, as far as they are applicable thereto, as required of the prosecuting attorney of the county. The city solicitor or the assistant or assistants whom he may designate to act as prosecuting attorney or attorneys of the police or mayor's court shall receive for this service such compensation as council may prescribe, and such additional compensation as the county commissioners shall allow.

Compensation.

SECTION 2. That said original sections 4306 and 4307 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 5th, 1911,
Approved May 15th, 1911.

JUDSON HARMON,
Governor.
108

[House Bill No. 23.]

AN ACT

To establish a rule of practice governing the reversal of judgments in proceedings in error, in civil case, and to amend sections 11364 and 12253 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 11364 and 12253 of the General Code be amended to read as follows:

Rule of practice in civil cases, governing reversal of judgment in proceedings in error.

Sec. 11364. In every stage of an action, the Court must disregard any error or defect in the pleadings or proceedings which does not affect the substantial rights of the adverse party. No judgment shall be reversed, or affected, by reason of such error or defect. In the judgment of any reviewing court upon any petition in error in any civil action, when it is sought to reverse any final judgment or decree or obtain a new trial upon the issues joined in the pleadings, such reviewing court shall certify on its journal whether or not in its opinion substantial justice has been done the party complaining, as shown by the record of the proceedings, and judgment under review. In case such reviewing court shall determine and certify that in its opinion substantial justice has been done to the party complaining as shown by the record, all alleged errors occurring at the trial shall by such reviewing court be deemed not prejudicial to the party complaining and shall be disregarded and such judgment or decree under review shall be affirmed, or it shall be modified if in the opinion of such reviewing court a modification thereof will do more complete justice to the party complaining. In case such reviewing court shall determine and certify that in its opinion substantial justice has not been done to the party complaining as shown by the record such reviewing court shall proceed as provided in section 12272 of the General Code.

Sec. 12253. In a civil case or proceeding, except when its jurisdiction is original, and except as provided by section 11364 of the General Code, the supreme court shall not be required to determine as to the weight of the evidence.

SECTION 3. That such original sections 11364 and 12253 of the General Code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 10th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.

[Senate Bill No. 251.]

AN ACT

To supplement section 10022 of the general code and to provide for the incorporation of cathedrals or other central or general religious societies, and for the merger therewith of parishes or other religious societies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10022 of the general code be supplemented by six additional sections, to be known as sections 10022-1, 10022-2, 10022-3, 10022-4, 10022-5 and 10022-6.

Incorporation of cathedrals or other religious societies.

Sec. 10022-1. When a diocesan convention or other representative body of any religious denomination in this state desires the incorporation of a cathedral or other central or general religious society or church of its denomination, having, in addition to local religious, educational or charitable functions, a general charge of such, and missionary functions in the diocese, or other ecclesiastical territory in this state represented by said body, and, at any regular meeting of such representative body, elects not less than five members of such denomination, one of whom shall be a resident freeholder in this state, to serve as members of the chapter thereof, or as trustees, until the election of their successors, and makes a statement, giving the names of such members or trustees, the character of the endowment fund or other property, donations or appropriations, to be intrusted to their care, and the uses to which they are to be applied and their general rights, powers and duties, and the corporate name by which they are to be known, and such statement is signed, certified, attested, acknowledged, filed and recorded in the office of the secretary of state in accordance with the provisions of section 10011, the persons so named in such statement shall, thereupon, with their successors in office, under such corporate name, become a body corporate and politic, for the purposes in such statement specified; and a copy of such record, duly certified by the secretary of state, shall be evidence of the existence of such corporation.

Constitution.

Sec. 10022-2. Any representative body, creating a corporation under the provisions of section 10022-1 may provide a constitution, not inconsistent with the statement provided for therein, or with the law of this state, for the government of such corporation, and amend the same from time to time; and determine the number, and limit the terms of the members of the chapter, or trustees, and may provide for and designate at any time, a certain number, or proportion of ex-officio members of the chapter thereof, or trustees, and may provide for a certain number, or proportion of members or trustees, to be elected or designated

ex-officio by other congregations, or bodies, of the same religious denominations in the same diocese, or ecclesiastical territory, in addition to the aforesaid members, or trustees, to be elected by said representative body, said additional classes of members, or trustees, not constituting a majority of the whole chapter, or board, and having otherwise the same qualifications as those elected by such representative body; and may determine the ratio of clerical to lay membership upon such chapter or board; and may include the whole, or any part of such designations, and provisions, either in the original statement provided for in section 10022-1, or in such constitution.

Endowment fund controlled by trustees.

Sec. 10022-3. Members of the chapter or trustees of corporations under section 10022-1 and section 10022-2, if chosen to take charge of any endowment fund, may invest, manage and dispose of the same in accordance with the purpose for which it was created, subject to such constitutional regulations as such representative body may from time to time prescribe.

Surrender of corporate existence or franchise and consolidation.

Sec. 10022-4. When one or more parishes, or other religious societies, represented by the same diocesan convention, or other representative body of any religious denomination in this state, and incorporated by, or under, any law of this state, desires, or desire at the same, or different times, to surrender its or their corporate existence and franchises, and that representatives and their successors, to be elected by its or their congregations, be consolidated as a single corporation, with any corporation created by the same representative body, under the foregoing section 10022-1, under the name, and with the rights, powers and duties of the last aforesaid corporation, the rector, wardens and vestry, or other known legal trustees of such parishes, or other religious societies, and the members of the chapter, or trustees of such corporation under said section 10022-1, may enter into an agreement for such consolidation; and prescribe therein the terms and conditions thereof, the time and place for the first meeting of the members of the chapter, or the trustees constituting the consolidated corporation, the number, or proportion, and time and manner of election of the members of each of said congregations, who shall first, and as their successors, be chosen as members of the chapter of, or trustees of the consolidated corporation, additional to those provided, designated or elected by such representative body, to succeed, with the last aforesaid, to the rights, trusts, duties and obligations of those members, officers or trustees, who in the separate, or original organizations held in trust, or in corporate capacity, the estate of such separate, or original corporations, with such other estates as they may deem necessary to complete the consolidated corporation; but an agreement so made shall not be valid until it has been submitted to, and ratified by, separate meetings of the members of each of said parishes, or societies, in accordance

with the provisions of section 10004, and has also been submitted to, and ratified by, such representative body at one of its regular meetings.

Sec. 10022-5. When a corporation is being, or has been merged with, or into, another, or new corporation, under the provisions of section 10022-4, said merger and the consolidated, or new corporation, resulting therefrom shall be, in substance, subject to, and governed by, the provisions of sections 10005, 10006 and 10007 of this chapter, so far as the same are, in their nature, or by analogy, applicable thereto.

Sec. 10022-6. If, before the creation of a corporation under section 10022-1, for the purposes therein provided, any parish, or religious society, described in section 10022-4, has been acting, by authority of its diocesan convention, or other representative body, as a part of, or in connection with any unincorporated subordinate agency, or body, in whole or in part, chosen, designated, or provided by such representative body, for some, or any, of the same, or similar purposes, an agreement for consolidation, such as is provided in section 10022-4, may be made, in anticipation of the creation of such corporation under said section 10022-1, by and between, the said several parties who, as aforesaid, have been acting together; but an agreement so made shall not be valid until submitted and ratified, on both parts, as in the foregoing section 10022-4 provided; and thereupon the statement pursuant to the creation of a corporation under section 10022-1 and therein provided for, shall include the terms of said agreement and, on being signed, certified, attested, acknowledged, filed and recorded as in section 10022-1 provided, shall have all the effect of the provisions of section 10022-1, section 10022-4, section 10005, section 10006 and section 10007 of this chapter; and a copy of such record, duly certified by the secretary of state, shall be evidence of such consolidation and of the existence of the new corporation.

Ratification.

Evidence.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 17th, 1911.

JUDSON HARMON,
Governor.
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[Senate Bill No. 141.]

AN ACT

To supplement section 2980 of the general code, as amended May 10, 1910, by the enactment of an additional section 2980-1, and to amend sections 2983, 2985 and 2987 as amended May 10, 1910, and section 2989, and to repeal sections 2984 and 2986 of the general code, relating to salaries of county officers and their employes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2980 of the general code be supplemented by the enactment of section 2980-1 and that sections 2983, 2985, 2987 and 2989 of the general code be amended to read as follows:

Compensation for deputies, assistants, clerks, etc.

Sec. 2980-1. The aggregate sum so fixed by the county commissioners to be expended in any year for the compensation of such deputies, assistants, bookkeepers, clerks or other employes, except court constables, shall not exceed for any county auditor's office, county treasurer's office, probate judge's office, county recorder's office, sheriff's office, or office of the clerk of courts, an aggregate amount to be ascertained by computing thirty per cent. on the first two thousand dollars or fractional part thereof, forty per cent. on the next eight thousand dollars or fractional part thereof and eighty-five per cent. on all over ten thousand dollars, of the fees, costs, percentages, penalties, allowances and other perquisites collected for the use of the county in any such office for official services during the year ending September thirtieth next preceding the time of fixing such aggregate sum; provided, however, that if at any time any one of such officers require additional allowance in order to carry on the business of his office, said officer may make application to a judge of the court of common pleas, of the county wherein such officer was elected; and thereupon such judge shall hear said application and if, upon hearing the same, said judge shall find that such necessity exists, he may allow such a sum of money as he deems necessary to pay the salary of such deputy, deputies, assistants, bookkeepers, clerks or other employes as may be required, and thereupon the board of county commissioners shall transfer from the general county fund, to such officers fee fund, such sum of money as may be necessary to pay said salary or salaries.

Additional allowance; how obtained.

When the term of an incumbent of any such office shall expire within the year for which such an aggregate sum is to be fixed, the county commissioners at the time of fixing the same, shall designate the amount of such aggregate sum which may be expended by the incumbent and the amount of such aggregate sum which may be expended by his successor for the fractional parts of such year.

Allowance divided.

Fees paid into county treasury.

Sec. 2983. On the first business day of April, July, October and January, and at the end of his term of office, each such officer shall pay into the county treasury on the

warrant of the county auditor, all fees, costs, penalties, percentages, allowances and perquisites of whatever kind collected by his office during the preceding quarter or part thereof for official services, which money shall be kept in separate funds and credited to the office from which received; and he shall also at the end of each calendar year, make and file a sworn statement with the county commissioners of all fees, costs, penalties, percentages, allowances and perquisites of whatever kind which has been due his office and unpaid for more than one year prior to the date such statement is required to be made.

Transfer from fee fund.

Sec. 2985. The county commissioners may at any time transfer from the fee fund of any office any amount therein in excess of that necessary to pay the compensation of the deputies, assistants, bookkeepers, clerks or employes except court constables in said office to the general county fund or to any fund from which transfers have heretofore been made to any of such fee funds provided, that when any transfer of moneys has heretofore been made to any such fee fund the fund from which such transfers have been made shall be fully reimbursed before any transfers may be made to the general county fund. Such transfers may be made upon authority herein provided, any law to the contrary notwithstanding.

Appeal.

For such action of the commissioners, an appeal may be taken to the common pleas court by a taxpayer of the county, which shall be heard and determined by the court or judge thereof within twenty days after being perfected.

Deputies, clerks, etc., paid from fee fund.

Sec. 2987. The deputies, assistants, clerks, bookkeepers, and other employes of such offices shall be paid upon the warrant of the county auditor, from the fees, costs, percentages, penalties, allowances, or other perquisites or sums of whatever kind collected and paid into the county treasury and credited by the treasurer to the fee fund of such offices.

Salary monthly.

Sec. 2989. Each county officer herein named shall receive out of the general county fund the annual salary hereinafter provided, payable monthly upon warrant of the county auditor.

SECTION 3. That said original sections 2983, 2985, 2987, 2989, 2984 and 2986 of the general code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 25th, 1911.

JUDSON HARMON,
Governor.

[House Bill No. 171.]

AN ACT

To supplement section 8993 of the General Code, and to make uniform the law of bills of lading.

Be it enacted by the General Assembly of the State of Ohio:

Bills of lading must contain, what.

SECTION 1. That section 8993 of the General Code be supplemented to read as follows:

Sec. 8993-1. Bills of lading issued by any common carrier shall be governed by this act. Every bill must embody within its written or printed terms:

(a) The date of its issue,

(b) The name of the person from whom the goods have been received,

(c) The place where the goods have been received,

(d) The place to which the goods are to be transported,

(e) A statement whether the goods received will be delivered to a specified person, or to the order of a specified person,

(f) A description of the goods or of the packages containing them which may, however, be in such general terms as are referred to in section 8993-22, and

(g) The signature of the carrier or his agent.

A negotiable bill shall have the words "order of" printed thereon immediately before the name of the person upon whose order the goods received are deliverable.

A carrier shall be liable to any person injured thereby for the damage caused by the omission from a negotiable bill of any of the provisions required in this section.

Sec. 8993-2. A carrier may insert in a bill, issued by him, any other terms and conditions, provided that such terms and conditions shall not

(a) Be contrary to law or public policy, or

(b) In any wise impair his obligation to exercise at least that degree of care in the transportation and safekeeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Sec. 8993-3. A bill in which it is stated that the goods are consigned or destined to a specified person, is a non-negotiable or straight bill.

When negotiable.

Sec. 8993-4. A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill, is a negotiable or order bill.

Any provision in such a bill that it is non-negotiable shall not affect its negotiability within the meaning of this act.

Shall not be issued in sets; to what countries.

Sec. 8993-5. Negotiable bills issued in this state for the transportation of goods to any place in the United States on the continent of North America, except Alaska, shall not be issued in parts or sets.

Liability when so issued.

If so issued the carrier issuing them shall be liable for failure to deliver the goods described therein to any one who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts.

When "duplicate" should appear on the face of bill.

Sec. 8993-6. When more than one negotiable bill is issued in this state for the same goods to be transported to any place in the United States on the continent of North America, except Alaska, the word "duplicate" or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such bill, except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to any one who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill.

"Non-negotiable".

Sec. 8993-7. A non-negotiable bill shall have placed plainly upon its face by the carrier issuing it "non-negotiable" or "not-negotiable."

This section shall not apply, however, to memoranda or acknowledgments of an informal character.

When negotiability not limited.

Sec. 8993-8. The insertion in a negotiable bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill, or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

When estopped from denial.

Sec. 8993-9. Except as otherwise provided in this act, where a consignor receives a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provision of the bill, shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy.

Carrier bound to deliver goods; when.

Sec. 8993-10. A carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods, or if the bill is negotiable, by the holder thereof, if such demand is accompanied by—

(a) An offer in good faith to satisfy the carrier's lawful lien upon the goods.

(b) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is negotiable, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgement that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

Sec. 8993-11. A carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is

(a) A person lawfully entitled to the possession of the goods,

(b) The consignee named in a non-negotiable bill for the goods, or

(c) A person in possession of a negotiable bill for the goods by the terms of which the goods are deliverable to his order, or which has been indorsed to him or in blank by the consignee or by the mediate or immediate indorsee of the consignee.

Carrier liable for wrongful delivery.

Sec. 8993-12. Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to any one having a right of property or possession in the goods, if he delivered the goods otherwise than as authorized by subdivision (b) or (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he—

(a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or

(b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

A request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

Sec. 8993-13. Except as provided in section 8993-26, and except when compelled by legal process, if a carrier delivers goods for which a negotiable bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to any one who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier, and notwithstanding delivery was made to the person entitled thereto.

Delivery to purchaser of bill in good faith.

Exceptions.

Sec. 8993-14. Except as provided in section 8993-26, and except when compelled by legal process, if a carrier delivers part of the goods for which a negotiable bill has been issued and fails either—

(a) To take up and cancel the bill, or

(b) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so delivered, or of the goods or packages which still remain in the carrier's possession, he shall

be liable for failure to deliver all the goods specified in the bill, to any one who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

Effect of alteration.

Sec. 8993-15. Any alteration, addition or erasure in a bill after its issue, without authority from the carrier issuing the same, either in writing or noted on the bill, shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

Lost or destroyed negotiable bill.

Sec. 8993-16. Where a negotiable bill has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction, and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees.

Delivery under order of court does not relieve carrier from liability, without notice.

The delivery of the goods under an order of the court, as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Effect of "duplicate" on face of bill.

Sec. 8993-17. A bill upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

When title no excuse from liability for refusal to deliver goods.

Sec. 8993-18. No title to goods or right to their possession asserted by a carrier for his own benefit, shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

Interpleader.

Sec. 8993-19. If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate.

Opposing claimants.

Sec. 8993-20. If some one other than the consignee or person in possession of the bill has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods either to the consignee or person in possession of the bill, or to the adverse claimant,

until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Defense.

Sec. 8993-21. Except as provided in the two preceding sections and in section 8993-11, no right or title of a third person, unless enforced by legal process, shall be a defense to an action brought by the consignee of a non-negotiable bill or by the holder of a negotiable bill against the carrier for failure to deliver the goods on demand.

Liability of issuing carrier.

Sec. 8993-22. If a bill of lading has been issued by a carrier, or on his behalf by an agent or employe, the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to

(a) The consignee named in a non-negotiable bill, or

(b) The holder of a negotiable bill,

Who has given value in good faith relying upon the description therein of the goods, for damages caused by the non-receipt by the carrier or a connecting carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

If, however, the goods are described in a bill merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill that packages are said to contain goods of a certain kind or quantity or in a certain condition or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill, such statements, if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may, also, by inserting in the bills the words "shipper's load and count," or other words of like purport, indicate that the goods were loaded by the shipper and the description of them made by him; and if such statements be true, the carrier shall not be liable for damages caused by the improper loading or by the non-receipt or by the misdescription of the goods described in the bill.

No attachment after delivery to carrier.

Sec. 8993-23. If goods are delivered to a carrier by the owner, or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner, and a negotiable bill is issued for them, they cannot thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

Sec. 8993-24. A creditor whose debtor is the owner of

a negotiable bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, or in satisfying the claim by means thereof, as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process. Injunction.

Sec. 8993-25. If a negotiable bill is issued the carrier shall have no lien on the goods therein mentioned, except for charges on those goods for freight, storage, demurrage, terminal, and switching charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier. No lien except for freight, etc.

Sec. 8993-26. After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be negotiable. Not liable for delivery, after selling for carrier's lien.

Sec. 8993-27. A negotiable bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person, or a subsequent indorsee of the bill, has indorsed it in blank. When bill negotiated by delivery.

Sec. 8993-28. A negotiable bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner. Negotiated by endorsement.

Sec. 8993-29. A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby. A non-negotiable bill cannot be negotiated, and the indorsement of such a bill gives the transferee no additional right. Transfer by delivery.

Sec. 8993-30. A negotiable bill may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

Sec. 8993-31. A person to whom a negotiable bill has been duly negotiated acquires thereby— Title acquired by negotiated bill.

(a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value, and

(b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

Rights when bill transferred but not negotiated.

Sec. 8993-32. A person to whom a bill has been transferred, but not negotiated, acquires thereby as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the bill is non-negotiable, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owned to the transferor of the bill immediately before the notification.

Prior to the notification of the carrier by the transferor or transferee of a non-negotiable bill, the title of the transferee to the goods, and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time with the exercise of reasonable diligence to communicate with the agent or agents having actual possession or control of the goods.

Rights when transferred for value by delivery.

Sec. 8993-33. Where a negotiable bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Warrants; when transfer for value by endorsement or delivery.

Sec. 8993-34. A person who negotiates or transfers for value a bill by indorsement or delivery, including one who assigns for value a claim secured by a bill, unless a contrary intention appears, warrants—

(a) That the bill is genuine,

(b) That he has a legal right to transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the bill, and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a bill the goods represented thereby.

In the case of an assignment of a claim secured by a bill, the liability of the assignor shall not exceed the amount of the claim.

Sec. 8993-35. The indorsement of a bill shall not

make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

Previous endorsers.

Sec. 8993-36. A mortgagee or pledgee, or other holder of a bill for security, who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt, or from any other person, shall not be deemed by so doing to represent or to warrant the genuineness of such bill or the quantity or quality of the goods therein described.

Payment to mortgagee no warrant as to quality or quantity.

Sec. 8993-37. The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress or conversion, if the person to whom the bill was negotiated or a person to whom the bill was subsequently negotiated gave value therefore in good faith without notice of the breach of duty or fraud, accident, duress or conversion.

Validity not impaired when negotiation was by fraud, etc.

Sec. 8993-38. Where a person having sold, mortgaged, or pledged goods which are in a carrier's possession, and for which a negotiable bill has been issued, or having sold, mortgaged, or pledged the negotiable bill representing such goods, continues in possession of the negotiable bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

Effect of sale to purchaser, in good faith and for value.

Sec. 8993-39. Where goods are shipped by the consignor in accordance with a contract or order for their purchase, the form in which the bill is taken by the consignor shall indicate the transfer or retention of the property or right to the possession of the goods as follows:

Bill shall indicate, what.

(a) Where by the bill the goods are deliverable to the buyer or to his agent, or to the order of the buyer or of his agent, the consignor thereby transfers the property in the goods to the buyer.

(b) Where by the bill the goods are deliverable to the seller or to his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(c) Where by the bill the goods are deliverable to the order of the buyer or of his agent, but possession of the bill is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(d) Where the seller draws on the buyer for the

price, and transmits the draft and bill together to the buyer to secure acceptance or payment of the draft, the buyer is bound to return the bill if he does not honor the draft; and if he wrongfully retains the bill he acquires no added right thereby. If, however, the bill provides that the goods are deliverable to the buyer, or to the order of the buyer, or is indorsed in blank or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill or goods from the buyer, shall obtain the title to the goods, although the draft has not been honored, if such purchaser has received delivery of the bill indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

Draft with bill of lading attached; assumptions.

Sec. 8993-40. Where the seller of goods draws on the buyer for the price of the goods, and transmits the draft and a bill of lading for the goods, either directly to the buyer or through a bank or other agency, unless a different intention on the part of the seller appears, the buyer and all other parties interested shall be justified in assuming—

(a) If the draft is by its terms or legal effect payable on demand or presentation or at sight, or not more than three days thereafter (whether such three days be termed days of grace or not), that the seller intended to require payment of the draft before the buyer should be entitled to receive or retain the bill.

(b) If the draft is by its terms payable on time, extending beyond three days after demand, presentation or sight (whether such three days be termed days of grace or not), that the seller intended to require acceptance, but not payment of the draft before the buyer should be entitled to receive or retain the bill.

The provisions of this section are applicable, whether by the terms of the bill the goods are consigned to the seller, or to his order, or to the buyer, or to his order, or to a third person, or to his order.

Seller's lien nor right of stoppage in transitu, shall defeat right of purchaser for value.

Sec. 8993-41. Where a negotiable bill has been issued for goods no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver, or justified in delivering, the goods to an unpaid seller unless such bill is first surrendered for cancellation.

Rights of mortgagee or lien holder.

Sec. 8993-42. Except as provided in section 8993-41, nothing in this shall limit the rights and remedies of a mortgagee or lien-holder whose mortgage or lien on goods would be valid, apart from this act as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

Sec. 8993-43. Any officer, agent or servant of a carrier, who, with intent to defraud, issues or aids in issuing a bill of lading knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier, or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, shall be guilty of a crime, and, upon conviction, shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Fraud.

Penalty.

Sec. 8993-44. Any officer, agent, or servant of a carrier, who, with intent to defraud, issues or aids in issuing a bill for goods, knowing that it contains any false statement, shall be guilty of a crime, and, upon conviction, shall be punished for each offense by imprisonment in the penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

False statement.

Penalty.

Sec. 8993-45. Any officer, agent, or servant of a carrier, who, with intent to defraud, issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of the provisions of section 8993-6, knowing that a former negotiable bill for the same goods, or any part of them, is outstanding and uncancelled, shall be guilty of a crime, and, upon conviction, shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Unauthorized duplicate bills.

Penalty.

Sec. 8993-46. Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterwards negotiates for value with intent to defraud, and without disclosing his want of title or the existence of the lien of mortgage, shall be guilty of a crime, and, upon convicition, shall be punished for each offense by imprisonment in the penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Penalty for transfer of negotiable bill for value, without title or mortgaged.

Sec. 8993-47. Any person who, with intent to defraud, negotiates or transfers for value a bill, knowing that any or all of the goods which, by the terms of such bill, appear to have been received for transportation by the carrier which issued the bill, are not in their possession or control of such carrier, or of a connecting carrier, without disclosing this fact, shall be guilty of a crime, and, upon conviction, shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Penalty for negotiating bill for value, for goods not in possession.

Sec. 8993-48. Any person who, with intent to defraud, secures the issue by a carrier of a bill, knowing that at the time of such issue, any or all of the goods described in such bill, as received for transportation, have not been received by such carrier, or an agent of such carrier, or a connecting carrier; or are not under the carrier's control, by inducing an officer, agent, or servant of such car-

Penalty for obtaining bill falsely, when goods not delivered to carrier.

rier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and, upon conviction, shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Aid in obtaining false bills.

Sec. 8993-49. Any person who, with intent to defraud, issues or aids in issuing a non-negotiable bill without the words "not-negotiable" placed plainly upon the face thereof, shall be guilty of a crime, and, upon conviction, shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Penalty.

Sec. 8993-50. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators, and trustees, and to the effect of fraud, misrepresentation, duress, or coercion, accident, mistake, bankruptcy, or other invalidating cause, shall govern.

Other laws applicable.

Sec. 8993-51. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Uniformity.

Sec. 8993-52. (1) In this act, unless the context or subject matter otherwise requires—

Definitions.

"Action" includes counter-claim, set-off, and suit in equity.

"Bill" means bill of lading.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation, or which have been or about to be transported.

"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.

"Order" means an order by indorsement on the bill.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership, or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee and to take as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a bill is taken either in satisfaction thereof or as security therefor.

(2) A thing is done "in good faith," within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Sec. 8993-53. The provisions of this act do not apply to bills made and delivered prior to the taking effect thereof.

Sec. 8993-54. This act shall take effect on the first day of January, one thousand nine hundred and twelve.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 10th, 1911.
Approved May 22nd, 1911.

JUDSON HARMON,
Governor.
112

[Senate Bill No. 192.]

AN ACT

To amend sections 974 and 976 of the general code, relating to illuminating oils for mines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 974 and 976 of the general code be amended to read as follows:

Sec. 974. No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty-four per cent. of pure animal or vegetable oil, or both, and not more than sixteen per cent. pure mineral oil. The gavity of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four, and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit, and the gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit.

Composition of illuminating oils for mines and gravity of same.

Each person, firm or corporation compounding oil for illuminating purposes in a coal mine, or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation, having purchased same, the date of shipment, the percentage and the gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil con-

Brand on package with name of purchaser and date of shipment.

tained in the mixture, and the gravity in degrees Baume scale at a temperature of sixty degrees Fahrenheit of the mixture.

Label of firm compounding oil.

Each label shall have printed thereon, over the fac simile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in coal mines in the state of Ohio, and the composition thereof as shown hereon is correct." Each person, firm or corporation, manufacturing paraffine wax for illuminating purposes in a coal mine, or mines, or any other mine, shall, before shipment thereof is made, securely brand, stencil, or paste, upon the head of each barrel, box, or case, containing small packages, the name and address of the person, firm or corporation, manufacturing paraffine wax therein contained; the name and address of the person, firm or corporation, having purchased the same, and the date of shipment. And each individual package contained within each barrel, box or case, shall have plainly printed thereon, the name of product, the name and address of the manufacturer thereof, together with the melting point, fire test, and the percentage of oil and moisture of the paraffine wax therein contained.

Paraffine wax for illuminating. Brand, stencil, etc.

Sale of at certain degrees of melting points, and fire test, not prohibited.

But nothing herein contained shall prohibit the manufacture, sale or use for illuminating purposes in mines in this state, of paraffine wax with melting point at from one hundred five to one hundred twenty-four degrees of heat and minimum fire test not less than three hundred degrees Fahrenheit, with not over four per cent. oil and moisture. No person shall use in any coal mine or other mines, any fish oil, or any other illuminant, whatever, other than those specifically provided for in this section and in the preceding section, unless with the consent and approval of the chief inspector of mines.

Sec. 976. Any county coroner who, after receiving notice of a fatal accident, or of an accident which has resulted in the death of a person, at, in, or around a mine, from the owner, lessee or agent of such mine, or the chief inspector of mines, willfully refuses or neglects to comply, so far as such provisions relate to him, with the provisions of section nine hundred and twenty-one of the general code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

Penalty for refusal or neglect of county coroner to comply with the law, in case of accident resulting in death.

Duty of owner, lessee or agent.

Any owner, lessee or agent of a mine, or any person, firm or corporation opening a new mine, having written knowledge of a violation of this act, who willfully refuses or neglects to comply with the provisions of section nine hundred and twenty-two, nine hundred and twenty-three, nine hundred and twenty-four, nine hundred and twenty-five, nine hundred and twenty-six, nine hundred and twenty-seven, nine hundred and twenty-eight, nine hundred and twenty-nine, nine hundred and thirty, nine hundred and thirty-one, nine hundred and thirty-two, nine

hundred and thirty-three, nine hundred and thirty-four, nine hundred and thirty-seven, nine hundred and thirty-eight, nine hundred and thirty-nine, nine hundred and forty, nine hundred and forty-one, nine hundred and forty-two, nine hundred and forty-three, nine hundred and forty-four, nine hundred and forty-five, nine hundred and forty-six, nine hundred and forty-seven, nine hundred and forty-eight, nine hundred and forty-nine, nine hundred and fifty, or nine hundred and seventy-one of the general code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars, at the discretion of the court.

Penalty.

Any superintendent, mine-foreman, foreman or overseer, who willfully refuses or neglects to comply, so far as such provisions relate to each of them with the provisions of section nine hundred and fifty-one, nine hundred and fifty-two, nine hundred and fifty-three, and nine hundred and fifty-four of the general code, shall upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars, and for a second or subsequent offense, shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Penalty for refusal or neglect of superintendent, foreman or overseer.

Any person or persons who willfully refuses or neglects to comply with the provisions of section nine hundred and fifty-five of the general code, or enters a mine generating fire damp before it is reported by the fire boss that it is safe for persons to enter, or goes beyond a danger signal indicating an accumulation of fire-damp, as forbidden by the provisions of section nine hundred and fifty-nine of the general code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Penalty for general violations by individuals.

Any person, or persons, who violates the provisions of sections nine hundred and fifty-six, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and sixty, nine hundred and sixty-one, or nine hundred and sixty-two of the general code, or violates the provisions of section nine hundred and fifty-nine of the general code other than to enter a mine generating fire-damp before the fire boss reports it safe, or to go beyond a danger signal indicating an accumulation of fire-damp, shall, upon convicition thereof, be fined not less than five dollars, nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Any person who willfully violates the provisions of

sections nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, or nine hundred and seventy of the general code, or violates the provisions of section nine hundred and fifty-nine of the general code relating to loitering and intoxicants, at, in or around a mine, shall, upon conviction thereof, be fined not less than five dollars, nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Any person, firm or corporation who violates or willfully refuses or neglects to comply with the provisions of section nine hundred and seventy-three of the general code, shall upon conviction thereof, be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or any subsequent offense shall be fined not less than two hundred dollars and not more than one thousand dollars, or imprisoned not less than thirty days nor more than six months, at the discretion of the court.

Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil or paraffine wax; fish oil or any other illuminant whatever, other than those specifically provided for in section 974 general code unless with the consent and approval of the chief inspector of mines, for illuminating purposes in any mine in this state contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the general code, shall upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars and for a second or any subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than sixty days, or both, at the discretion of the court.

Any person, firm or corporation who sells, or offers for sale to any employe of a mine for illuminating purposes in a mine any oil or paraffine wax, fish oil or any other illuminant, other than those specifically provided for in section nine hundred and seventy-four of the general code unless with the consent and approval of the chief inspector of mines contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the general code, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Any person who knowingly uses for illuminating purposes in a mine, any oil or paraffine wax, fish oil or any other illuminant whatever other than those specifically provided for in section nine hundred and seventy-four of the general code, unless with the consent and approval of the

chief inspector of mines, contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the general code, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

SECTION 2. That said original sections 974 and 976 of the general code be and the same are hereby repealed. Repeals.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.

This bill was presented to the Governor May 17th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 1st, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
113

[Senate Bill No. 281.]

AN ACT

To amend section 3631 and section 3939 of the general code, relating to the power of municipalities to donate an armory site to the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3631 and 3939 of the general code be amended to read as follows:

Sec. 3631. To hold and improve public grounds, parks, park entrances, free recreation centers and boulevards, and to protect and preserve them. To acquire by purchase, lease, or lease with privilege of purchase, gift, devise, condemnation or otherwise and to hold real estate or any interest therein and other property for the use of the corporation and to sell or lease it, or to donate the same by deed in fee simple to the state of Ohio as a site for the erection of an armory. Power to acquire, hold and lease lands, with power to sell or donate.

Sec. 3939. When it deems it necessary, the council of a municipal corporation, by an affirmative vote of not less than two-thirds of the members elected or appointed thereto, by resolution or ordinance, may issue and sell bonds in such amounts and denominations, for such period of time, at such rate of interest, not exceeding six per cent., By ordinance, etc., council may issue and sell bonds for specific purposes.

and in the manner as provided by law, for any of the following specific purposes:

1. For procuring the real estate and right of way for an improvement authorized by this section, or for purchasing real estate with a building or buildings thereon, to be used for public purposes, or to be donated to the state of Ohio by deed in fee simple as a site for the erection of an armory.

2. For extending, enlarging, improving, repairing or securing a more complete enjoyment of a building or improvement authorized by this section, and for equipping and furnishing it.

3. For sanitary purposes and for erecting a crematory or providing other means for disposing of garbage and refuse matters, and for erecting public toilet and public comfort stations.

4. For improving highways leading into the corporation, or for building or improving a turnpike, or for purchasing one or more turnpike roads and making them free.

5. For constructing wharves and landings on navigable waters.

6. For erecting infirmaries.

7. For erecting workhouses, prisons and police stations.

8. For erecting houses of refuge and correction.

9. For erecting market houses and providing market places.

10. For erecting public halls and public offices.

11. For erecting or purchasing waterworks and supplying water to the corporation and to the inhabitants thereof.

12. For erecting or purchasing gas works or electric light works, and for supplying light to the corporation and the inhabitants thereof.

13. For providing grounds for cemeteries or crematories, for enclosing and embellishing them, and for erecting vaults.

14. For constructing sewers, sewage disposal works, flushing tunnels, drains and ditches.

15. For establishing free public libraries and reading rooms, and free recreation centers.

16. For the establishment of free public baths and municipal lodging houses.

17. For erecting monuments to commemorate the services of soldiers, sailors and marines of the state and nation.

18. For improving any water course or water front.

19. For the payment of obligations arising from emergencies resulting from epidemics or floods, or other forces of nature.

20. For purchasing and condemning the necessary land for parks, public playgrounds and boulevard purposes

and for improving it as well as for improving or completing the improvement of any existing boulevard, park or parks, or public playgrounds.

21. For erecting hospitals and pest houses and for rebuilding, or improving existing hospitals and pest houses.

22. For resurfacing, repairing or improving any existing street or streets as well as other public highways.

23. For opening, widening, and extending any street or public highway.

24. For purchasing or condemning any land necessary for street or highway purposes, and for improving it or paying any portion of the cost of such improvement.

25. For constructing levees and embankments or paving or improving them, and for improving any water course passing through the corporation.

26. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning the necessary land therefor.

27. For erecting any building necessary for a fire department, purchasing fire engines, fire boats, constructing water towers, and fire cisterns, and paying the cost of placing underground the wires or other signal apparatus of any fire department.

SECTION 2. That said original sections 3631 and 3939 of the general code be and the same are hereby repealed. Repeals.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 15th, 1911.
Approved May 22nd, 1911.

JUDSON HARMON,
Governor.

114

[House Bill No. 426.]

AN ACT

To amend and supplement an act entitled, "An act providing for the establishment of a municipal court in the city of Cleveland," passed May 10, 1910 (101 O. L. p. 364-373), and to repeal sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 of an act entitled, "An act providing for the establishment of a municipal court in the city of Cleveland," passed May 10, 1910 (101 O. L. 364), be amended to read as follows: Amendments.

Judges constituting court and qualifications.

Sec. 2. The municipal court shall consist of seven judges, one of whom shall be chief justice and all of whom shall at the time of their election be qualified electors and residents of the city of Cleveland and shall have been admitted to the practice of law at least five years.

Compensation.

Sec. 3. Judges of the municipal court shall receive such compensation, payable out of the treasury of Cuyahoga county not less than one thousand dollars per annum, as the county commissioners may prescribe, and such further compensation, not less than three thousand, five hundred dollars per annum payable in monthly installments out of the treasury of the city of Cleveland, as the council may prescribe.

Chief justice, election and compensation.

The chief justice, who shall be separately nominated and elected as such, shall receive such compensation payable out of the treasury of Cuyahoga county, not less than one thousand dollars per annum as the county commissioners may prescribe, and such further compensation, not less than four thousand dollars per annum, payable in monthly installments out of the treasury of the city of Cleveland as the council may prescribe.

Vacation.

The vacation of the respective judges of the municipal court shall not exceed sixty days during each year, and shall be at such times as fixed by the chief justice, and at least four judges shall be in attendance at all times.

Removal.

Sec. 4. The judges of the municipal court shall be subject to the same disabilities and may be removed from office for the same causes as a judge of the court of common pleas.

Nomination, election and term.

Sec. 5. The judges of the municipal court including the chief justice shall be nominated by direct vote, unless the city controlling committee of any party shall, by a majority vote, at least forty days before the time fixed by law for a primary, direct its candidates for said positions to be nominated by delegate conventions, the delegates to which shall be elected at the primary, in which case they shall be so nominated. And they shall be elected by the electors of the city of Cleveland. The first election of said judges shall be held at the regular municipal election of 1911, at which time three judges shall be elected for two years and three judges and the chief justice for four years. At the regular municipal election next preceding the expiration of the term of office of each judge a successor shall be elected for a term of four years. The term of office of each judge shall commence on the first day of January next after his election and he shall hold office until his successor is elected and qualified.

Jurisdiction.

Sec. 6. The municipal court shall have original civil jurisdiction within the limits of the city of Cleveland in the following cases: 1. In all actions and proceedings of which justices of the peace have or may be given jurisdiction.

2. In all actions and proceedings at law for the recovery of money or personal property of which the courts

of common pleas, have, or may be given, jurisdiction, when the amount claimed by any party, or the appraised value of the personal property sought to be recovered, does not exceed one thousand dollars and in such actions judgment may be rendered for over one thousand dollars when the excess over one thousand dollars shall consist of interest or damages, or costs accrued after the commencement of the action.

3. All actions on contracts, expressed or implied, when the amount claimed by the plaintiff, exclusive of all costs, does not exceed twenty-five hundred dollars. When a cause rising out of contract is pending in the municipal court and the ends of justice demand that the contract, or contracts, be reformed or cancelled, the municipal court shall have jurisdiction to decree such reformation or cancellation.

4.

5. All actions and proceedings whether legal or equitable, to enforce the collections of its own judgments.

6. All actions and proceedings for the sale of personal property under a chattel mortgage, lien or other charge or incumbrance upon personal property, and for the marshalling of all liens thereon.

7. All actions and proceedings for the sale of real property under the lien of a judgment of the municipal court, or a lien for machinery, material or fuel furnished or labor performed and for the marshalling of all liens thereon.

8. All actions and proceedings in the nature of creditors' bills in aid of execution, to subject the interest of a judgment debtor in real or personal property to the payment of a judgment of the municipal court.

9. All actions and proceedings in the nature of interpleader.

Appellate.

Sec. 7. The municipal court shall have appellate civil jurisdiction from a court of a justice of the peace in the following cases:

1. In all actions and proceedings heard and determined in a court of a justice of the peace in and for the township of Cleveland in the county of Cuyahoga.

2. In all actions and proceedings against a resident of the city of Cleveland, heard and determined in a court of a justice of the peace in and for any township in the county of Cuyahoga other than Cleveland township.

Sec. 8. In all causes the municipal court shall have jurisdiction in every ancillary and supplemental proceeding, before and after judgment, including attachment of person or property, arrest before judgment, interpleader, aid of execution and the appointment of a receiver, for which authority is now, or may hereafter, be conferred upon the court of common pleas, or a judge thereof, or upon justices of the peace.

Sec. 8-1. The municipal court shall have jurisdiction of all misdemeanors and of all violations of city ordinances

of which police courts in municipalities now have or may hereafter be given jurisdiction. In felonies the municipal court shall have the powers which police courts in municipalities now have or may hereafter be given.

Sec. 8-2. In the actions and proceedings of which the municipal court has jurisdiction, all laws conferring jurisdiction upon a court of common pleas, a police court or a justice of the peace, giving such court or officer power to hear and determine such causes, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution or enforcement thereof, shall be held to extend to the municipal court, unless inconsistent with this act or plainly inapplicable.

Sec. 9. When the amount due to either party exceeds the sum for which the municipal court is authorized to enter judgment, such party may remit the excess, and judgment be entered for the residue. A defendant need not remit such excess, and may withhold setting it off. A recovery for the amount set off and allowed, or any part of it, shall not be a bar to his subsequent action for the amount withheld.

Sec. 10. Whenever the appraised value of property sought to be recovered in any action in the municipal court exeeeds one thousand dollars, the judge of the municipal court shall certify the proceedings in the case to the court of common pleas of Cuyahoga county and thereupon the clerk of the municipal court shall file the original papers and pleadings, together with a certified transcript of the docket and journal entries in the case, in the office of the clerk of the said common pleas court. The bailiff shall turn over the property in his possession to the sheriff of Cuyahoga county, to be by him held as in like cases originating in the court of common pleas. The case must then proceed as if it had been commenced there.

Sec. 11. In any action in a court of a justice of the peace which is appealable to the municipal court any party thereto may file with said justice, within five days after the rendition of a judgment or the making of a final order therein, a notice in writing that he desires to appeal from said judgment or final order to the municipal court, and forthwith all further proceedings in such action in the court of the justice of the peace shall cease, and the appeal shall be considered as perfected, and the appellant shall not be required to file bond. Said justice shall thereupon immediately transmit to the clerk of the municipal court all papers in said action, a transcript of his docket showing the proceedings and the costs of his court, and any moneys held by him in the action and the justice shall order the constable to turn over any property held by him in the action to the bailiff of the municipal court to be by him held as in like cases originating in the municipal court.

Statement of claims.

1. When a cause is appealed the statement of claim of the plaintiff shall be filed in the municipal court not later

than the fifth day after the notice of appeal was filed with the justice of the peace.

2. When a statement of defense is required the time for filing the same shall be fixed by rule of court not less than ten days after the notice of appeal was filed with a justice of the peace. The case must then proceed as if it had been commenced in the municipal court.

Commencement of actions.

Sec. 12. Civil actions and proceedings in the municipal court shall be commenced by summons or writ, the form of which shall be prescribed by rule of court, except as herein otherwise provided. An action or proceeding shall be commenced on delivery of the summons or writ by the clerk to the bailiff for service.

1. All writs and process of the municipal court shall be served and returned by the bailiff, or by publication, in the same manner as is now, or may hereafter be, provided by law for the service and return of writs and process in the court of common pleas. Where the manner of service and return is not so provided for, service and return may be made in the same manner provided by law for the service and return of process and writs issued by a police court, or a justice of the peace.

2. The return day shall be fixed by rule of court and the summons or writ shall, unless accompanied with an order to arrest, be served at least three days before the time of appearance.

3. In all civil cases in the municipal court the plaintiff shall file a statement of claim and the defendant shall file a like statement of any setoff or counter claim he may desire to assert. A statement of defense shall be filed in such cases and within such time as may be required by rule of court. In cases where a statement of defense is required the summons shall set forth the date when such statement shall be filed, as fixed by rule of court, which shall be not less than five days after the return day of the summons. The statement shall set forth in plain and direct language the facts constituting the cause of action, setoff, counterclaim, or defense.

4. To expedite the business and promote the ends of justice the judges may from time to time adopt, publish, and revise rules relating to matters of practice and procedure, classify the causes of action in the court, and prescribe with reference to each class the degree of particularity with which a cause of action, setoff, counterclaim, or defense shall be set up.

Criminal actions.

Sec. 12-1. In all criminal cases and proceedings the practice and procedure and mode of bringing and conducting prosecutions for offenses, and the powers of the court in relation thereto, shall be the same as those which are now, or may hereafter be, possessed by police courts in municipalities.

Powers; chief justice.

Sec. 13. In addition to the exercise of all the other powers of a judge of said court, the chief justice shall have

the general superintendence of the business of the court, and may classify and distribute among the judges and business pending in said court. He shall render a complete annual report to the council of the city of Cleveland, covering the preceding year, which report shall show the work performed by the court, a summary of the expenses of the civil and criminal branches of the court respectively, a statement of receipts and expenditures, the number of cases heard, decided and settled by the court and by each judge thereof, the number of cases reviewed by the court on error, the number of decisions of the municipal court reversed or affirmed by a reviewing court, the number of days and hours of attendance in court of each judge, and such other data as the council may require. Said report shall be printed by the council for free distribution to the public.

Report.

The judges of the court may sit separately or otherwise; shall meet at least once in each month and at such other times as the chief justice may determine; shall prescribe forms; establish a system for the docketing of causes, motions and demurrers; adopt and publish rules governing practice and procedure not otherwise provided for in this act; and designate the mode of keeping and authenticating the records of proceedings had before them.

Meetings.

The judges or a judge of the court may summon and impanel jurors; tax costs; compel the attendance of witnesses, jurors and parties; issue process; preserve order; punish for contempt; and may exercise all powers which are now or may hereafter be conferred upon the court of common pleas or the judges thereof, or upon justices of the peace, or upon police courts of cities or the judges thereof necessary for the exercise of the jurisdiction herein conferred and for the enforcement of the judgments and the orders of the court.

Jury costs, fees and general powers.

Each judge shall at least once each month, make a report, in writing, to the chief justice, of the duties performed by him, in such manner and form as the chief justice may require.

Any order made by the chief justice, under the special powers conferred upon him in this act, may be vacated, amended or modified, by the vote of a majority of the judges of the court.

Vacation of order.

Sec. 14. A judgment rendered, or final order made, by any justice of the peace from whose court appeal may be had by the provisions of this act to the municipal court, may also be vacated, modified or reversed, by the municipal court and the proceedings in error in such case shall be the same as are now, or may hereafter be, provided for proceedings in error from a justice of the peace to the court of common pleas, and the justice shall order the constable to turn over any property in his possession to the bailiff of the municipal court to be by him held as in like cases originating in the municipal court.

Sec. 15. The municipal court shall have no jurisdic-

tion, in either appeal or error, when any party to an action in a court of a justice of the peace shall perfect error or appeal proceedings to the court of common pleas, and if the action has been taken on error or appeal to the municipal court, all proceedings in the municipal court shall thereupon cease, and the clerk of the municipal court shall transmit all papers and moneys held by him in the action and certify the costs, to the clerk of the common pleas court, and the bailiff of the municipal court shall turn over any property held by him in the action to the sheriff of Cuyahoga county, to be held by him as in like cases originating in the court of common pleas.

No jurisdiction when appeal or error proceeding perfected to common pleas court.

Sec. 16. All causes in the municipal court shall be tried to the court unless, before the court shall proceed to inquire into the merits of the cause, a jury shall be demanded by either party to the action. In all civil actions, where a jury is demanded, it shall be composed of six lawful men, having qualifications of electors, unless the parties agree on a less number. Provided, however, that any party may demand a jury of twelve men. In all actions and proceedings of which police courts in cities have or may be given jurisdiction, where a jury may be and is demanded, it shall be composed of twelve lawful men having the qualifications of electors.

Trial.

Sec. 16-1. In all civil actions and proceedings the cost of summoning jurors and the fees of jurors shall be taxed as part of the costs.

Taxing costs.

Sec. 17. Jurors in the municipal court shall be chosen and summoned in accordance with an ordinance of the council of the city of Cleveland, or if no such ordinance is enforced, in accordance with a rule of the court. They shall be impaneled in the same manner and challenged for the same causes as jurors in the court of common pleas; they shall have the same qualifications and receive the same fee as jurors in the court of common pleas; their fees shall be paid out of the treasury of the city of Cleveland. It shall be the duty of the chief justice of the municipal court to cause to be interrogated all jurors summoned for service in the municipal court, and to cause to be inquired into the qualifications of said jurors and to reject from service as jurors all persons who do not appear to possess the qualifications required by law.

Choosing and summoning jury.

Sec. 18. In all causes the municipal court shall have the same authority to set aside a verdict or a judgment, and grant a new trial, as is now, or may hereafter be, conferred on courts of common pleas.

New trial.

Sec. 19. The calendar of the municipal court shall be divided into four terms of three months each, beginning respectively on the first day of January, April, July and October of each year. The chief justice of the municipal court may continue the session of any term of said court beyond the time fixed for the commencement of the next term, when such continuance is necessary to finish the trial

Calendar.

of any cause or to receive the verdict, or pronounce judgment in any cause, the trial of which has been commenced during the term.

Judgments; effect of.

Sec. 20. All lands and tenements, including vested interests therein, and permanent leasehold estates renewable forever, located within the city of Cleveland, shall be bound for the satisfaction of any judgment rendered in the municipal court from the first day of the term at which judgment is rendered; but judgments by confession, and judgments rendered at the same term at which the action is commenced shall bind such lands, tenements, vested interests and permanent leaseholds only from the day on which such judgments are rendered.

Transcript.

Sec. 21. The party in whose favor a judgment is rendered by the municipal court may file a transcript of such judgment in the office of the clerk of the court of common pleas, in the same manner and under the same conditions, as are now, or may hereafter be, provided for the filing of transcripts of judgments rendered by justices of the peace; all provisions relative to transcripts of judgments and liens of judgments rendered by justices of the peace, shall, in so far as applicable, be applied to transcripts of judgments and liens of judgments rendered by the municipal court.

Enforcement of judgment; execution.

Sec. 22. The lien of a judgment of the municipal court may be enforced in the court of common pleas in the same manner as the lien of a judgment rendered by the court of common pleas. Execution may be issued on such judgment at any time after a transcript thereof has been filed, as if the judgment had been rendered by the court of common pleas; but all liens shall remain as provided in this act.

Proof.

Sec. 23. The records of the municipal court may be proved by the production of the original records, or by a transcript thereof certified by clerk of said court under its seal.

Index.

Sec. 24. The clerk of the municipal court shall make and maintain an alphabetical index of the names of all plaintiffs and defendants to suits filed in said court.

Pending action; notice.

Sec. 25. When the summons has been served or the publication made, ,the action in the municipal court is pending so as to charge third persons with notice of its pendency. While pending, no interest can be acquired by third persons in the subject of the action, as against the plaintiffs' title.

Proceedings in error.

Sec. 26. Proceedings in error may be taken to the court of common pleas of Cuyahoga county from a final judgment or order of the municipal court in the same manner and under the same conditions as provided by law for proceedings in error from the court of common pleas to the circuit court. In such case the clerk and the bailiff of the municipal court shall turn over any moneys or property held by either of them in the action to the clerk and the sheriff respectively of Cuyahoga county, to be by them held as in like cases originating in the court of common pleas.

Sec. 27. No assignment of error in a reviewing court shall be allowed in any action which shall call in question the decision of the municipal court in reference to any matter pertaining to the practice in said court; provided, however, that the reviewing court may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where in the opinion of the reviewing court such relief is necessary to prevent a failure of justice.

Laws governing courts of common pleas applicable.

Sec. 28. The laws governing the court of common pleas as to security for costs, motions for new trials, vacation or modification of judgment before and after terms, the referring of matters to a referee, the issuing of execution and orders for stay of execution, and the taking of depositions, shall be held to apply, so far as applicable, to the municipal court. Provided, that a person against whom a judgment has been rendered in the municipal court may stay execution thereon by entering into a bond to the adverse party within ten days after the rendition of such judgment, with sufficient surety, a freeholder owning real property situated in the city of Cleveland or a corporation authorized to execute surety bonds in this state, approved by the clerk of the court or a deputy, and conditioned for the payment of the amount of such judgment, interest, costs and costs that accrue. Such bonds shall be entered on the docket of the clerk of the court and shall be signed by such surety. Where a freeholder of the city of Cleveland is a surety, said undertaking shall be a lien on the real property of said freeholder situated in the city of Cleveland from the time of signing the undertaking until the judgment and all costs in the case upon which the stay of execution has been granted are satisfied.

The stay of execution hereby authorized shall be graduated as follows:

First: On a judgment for $50.00 and under, for one hundred and fifty days.

Second: On a judgment exceeding $50.00 for one hundred and eighty days.

Clerk; election, term and qualification.

Sec. 29. At the municipal election of 1911 and every four years thereafter, there shall be nominated and elected a clerk of the municipal court in the same manner as other municipal officers are nominated and elected, who shall serve until his successor is elected and qualified. He shall receive such compensation payable out of the treasury of Cuyahoga county, not less than two thousand dollars per annum, as the county commissioners may prescribe, and such further compensation, not less than two thousand five hundred dollars per annum, payable in monthly installments out of the treasury of the city of Cleveland, as the council may prescribe. Deputies to the clerk shall be designated as hereinafter provided for in this act.

Powers and duties.

Sec. 30. The clerk of the municipal court shall have general powers to administer oaths, and take affidavits, and

to issue executions upon any judgment rendered in the municipal court, including a judgment for unpaid costs; he shall have power to issue and sign all writs, process and papers issuing out of the court, and to attach the seal of the court thereto; shall have power to approve all bonds, recognizances and undertakings fixed by any judge of the court or by law; shall file and safely keep all journals, records, books and papers belonging or appertaining to the court, record its proceedings and perform all other duties which the judges of the court shall prescribe. He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fines and penalties, and shall pay the same quarterly to the treasurer of the city of Cleveland and take his receipt therefor, but money deposited as security for costs shall be retained by him pending the litigation; he shall keep a book showing all receipts and disbursements, which shall be open for public inspection at all times; and shall on the first Monday of each term of court make to the city auditor a report of all receipts and disbursements for the preceding term. He shall succeed to all and shall have all the powers and perform all the duties of police clerks, and as to the selection of the deputy clerks he shall have power to appoint a chief deputy only. All other deputies and assistants shall be appointed or selected by him as hereinafter provided.

Sec. 31. All money deposited as security for costs and all other moneys, other than costs, paid into the municipal court, shall be noted on the record of the cause in which they are paid and shall be deposited by the clerk in such banking institutions as shall be designated by the judges of the court, there to abide the order of the court and to bear interest at not less than two per cent. per annum. On the first Monday in January of each year the clerk shall make a list of the titles of all causes in the municipal court which were finally determined more than one year past, in which there remains unclaimed in the possession of the clerk of any such funds, or any part of a deposit for security for costs not consumed by the costs in the case. The clerk shall give notice of the same to the parties entitled to said moneys, or to their attorneys of record. All such moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the city treasurer provided, however, that any part of such moneys shall be paid to the person having the right thereto upon proper certificate of the clerk of the court.

Moneys shall be deposited and draw interest.

Unclaimed costs.

Sec. 32. Before entering upon the duties of his office the clerk of the municipal court shall make and file in the office of the clerk of the city of Cleveland a bond in a sum of not less than ten thousand dollars, to be determined by the judges of the court, with two or more sufficient sureties to be approved by the chief justice, conditioned upon the faithful performance of his duties as such clerk. The said bond shall be given for the benefit of the city of Cleveland

Bond.

and for the benefit of any persons who may suffer loss by reason of a default in any of the conditions of said bond. A vacancy in the office of clerk of the municipal court shall be filled by the mayor for the unexpired term.

Compensation of chief clerk.

Sec. 33. The chief deputy clerk shall receive such compensation not less than one thousand five hundred dollars per annum as the council may prescribe. The other deputy clerks shall receive such compensation not less than one thousand two hundred dollars per annum as the council may prescribe. All of said salaries shall be paid out of the treasury of the city of Cleveland in monthly installments. If desired by the court the clerk shall designate one deputy to each court room, who shall perform such duties as may be required by the court. The clerk may require any of the deputy clerks to give a bond of not less than one thousand dollars, the terms whereof shall be subject to the approval of the judges of the court. The sureties on said bonds shall be approved and said bonds shall be filed in the manner prescribed for the approval and filing of the clerk's bond.

Bailiffs; duties, compensation and bond.

Sec. 34. A bailiff and deputy bailiffs, shall be designated as hereinafter provided for in this act. They shall perform for the municipal court services similar to those usually performed by the sheriff for courts of common pleas and by the constable for courts of justice of the peace. The bailiff shall receive such compensation not less than three thousand six hundred dollars per annum and deputy bailiffs shall each receive such compensation not less than one thousand two hundred dollars per annum, payable out of the treasury of the city of Cleveland in monthly installments as the council may prescribe. Before entering upon his duties, the bailiff shall make and file in the office of the clerk of the city of Cleveland a bond in the amount of not less than ten thousand dollars to be determined by the judges with two or more sureties to be approved by the chief justice. The terms of said bond shall be subject to the approval of the judges of the court. The said bond shall be given for the benefit of the city of Cleveland and of any persons who shall suffer loss by reason of a default in any of the conditions of said bond. The bailiff may require any of the deputy bailiffs to give a bond of not less than one thousand dollars, the terms whereof shall be subject to the approval of the judges of the court. The sureties on said bond shall be approved and said bond shall be filed in the manner prescribed for the approval and filing of the bailiff's bond.

Civil service.

Sec. 35. Excepting the clerk and chief deputy clerk, the bailiff and all deputy clerks and deputy bailiffs, of the municipal court shall be in the classified civil service of the city of Cleveland, subject to the provisions of the laws of the state applying to said classified service. On or before the first day of January, 1912, and from time to time thereafter, as the chief justice of the municipal court may demand, the civil service commission of the city of Cleveland shall certify to the chief justice of the municipal court a

list of those eligible for the positions of the bailiff and deputy bailiff, and to the clerk on or before said date, and thereafter as he may demand, a list of those eligible for the position of deputy clerk. From such lists the said judges shall designate a bailiff and such number of deputy bailiffs as they may deem necessary to transact the business of the court, and the clerk shall designate a chief clerk and such number of deputies as the chief justice of said court may determine. Any appointee under this act may be dismissed or discharged by the same power or force which appointed him.

Every police officer of the city of Cleveland shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or any judge thereof.

Costs; how taxed.

Sec. 36. Except as otherwise provided for in this act, in actions wherein the said municipal court has jurisdiction concurrent with a court of a justice of the peace the fees and costs shall be the same and taxed in the same manner as is now, or may hereafter be provided for actions heard and determined in a court of a justice of the peace. In other actions the fees and costs shall be the same, and taxed in the same manner, as is now, or may hereafter be, provided for actions heard and determined in the court of common pleas. In criminal cases all fees and costs shall be the same as now fixed in the police court of said city. The judges of the municipal court may by rule of court provide in all cases not covered by this act a standard of fees and costs.

Accommodations for court.

Sec. 37. The council of the city of Cleveland shall provide suitable accommodations for the municipal court and its officers including a private room for each judge and sufficient jury rooms. The council shall also provide for the use of the court complete sets of the reports of the supreme and inferior courts of Ohio and such other authorities as are deemed necessary, and shall provide for each court room the latest edition of the General Code of Ohio, and necessary supplies including telephone, stationery, furniture, heat and light.

Seal.

Sec. 38. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the state and shall be one and three fourths inches in diameter and shall be surrounded by these words, "The Municipal Court of Cleveland, Ohio" and shall have no other words or device engraved thereon.

Solicitor and assistants.

Sec. 38-1. The solicitor for the city of Cleveland shall also be prosecuting attorney of the municipal court. He may designate such number of assistant prosecutors as the council of the city of Cleveland may authorize. The persons thus appointed shall be subject to the approval of the city council and such assistants shall receive for their services in city cases such salaries as the council may prescribe,

and the county commisioners may allow such further compensation as they deem proper, which shall be paid from the county treasury.

The prosecuting attorney of the municipal court shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

The council of the city of Cleveland, by ordinance, shall provide for the appointment of one or more interpreters and one or more persons to be known as probation officers. Probation officers shall have all the powers of regular police officers and shall devote their time to the interests of persons placed upon probation. Upon the order of the municipal court, or a judge thereof, they shall investigate the circumstances of any case that may come before the court for final jurisdiction. Probation officers; powers and duties.

Probation officers and interpreters shall be appointed by the judges of the municipal court, and serve at their pleasure. They shall receive such compensation as the council by ordinance may prescribe. If a member of the police department is appointed probation officer, he shall have the privilege of returning at any time to the active service in the department and to the same rank and standing as he held at the time of appointment as probation officer. Appointment; term.

Sec. 38-2. Whenever the incumbent of any elective office created by this act except that of clerk, shall be temporarily absent or incapacitated from acting, the judges shall appoint a substitute, who shall have all the qualifications required of an elective incumbent of the office. Such appointee shall serve until the return of the regular incumbent, or until his incapacity ceases. Substitutes.

Any vacancy which may occur in any elective office created by this act, shall be filled by appointment by the governor until a successor is elected and qualified. Every such vacancy shall be filled by election at the first municipal election taking place more than thirty days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term. Vacancies.

Wherever under the provisions of this act authority is vested in all the judges constituting said court, such authority shall be exercised in accordance with a majority vote of said judges including the chief justice.

Sec. 40. The office of judges of the police court of the city of Cleveland and of clerk of said police court are hereby abolished. The acts passed February 27th, 1900 (94 v. 23) and sections 1536-827, 1536-828, 1536-829, 1536-830, 1536-831, 1536-832, 1536-833, and 1536-834 of the Revised Statutes of Ohio as passed April 15th, 1892 (89 v. 306) and all acts and parts of acts providing for the establishment of a police court for the city of Cleveland, and for a judge or judges and a clerk thereof, be and the same are hereby repealed, but this section of the act shall not take effect until the first day of January 1912. Repeals.

SECTION 2. That said original sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 of an act entitled, "An act providing for the establishment of a municipal court in the city of Cleveland", be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 10th, 1911.

This bill was presented to the Governor May 11th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 1st, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
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[Senate Bill No. 259.]

AN ACT

To provide for leasing a part of the Miami and Erie canal to the city of Cincinnati as a public street or boulevard, and for sewerage and subway purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Permission shall be given to the city of Cincinnati, in the manner hereinafter provided, to enter upon, improve and occupy forever, as a public street or boulevard, and for sewerage, conduit and if desired for subway purposes, all of that part of the Miami and Erie canal which extends from a point three hundred feet north of Mitchell avenue to the east side of Broadway in said city, including the width thereof, as owned or held by the state, but such permission shall be granted subject to all outstanding rights or claims, if any, with which it may conflict, and upon the further terms and conditions of this act.

Lease of part of Miami and Erie canal to Cincinnati for certain purposes.

SECTION 2. Such permission shall be granted upon the further condition that said city, in the uses aforesaid of all or any portion herein mentioned of such canal, shall construct or cause to be constructed suitable and sufficient works for a convenient outlet for the discharge of the water of said canal, at a point three hundred feet north of Mitchell avenue, so as not to obstruct the flow of water through the remaining part of such canal, nor destroy nor injure the present supply of water for mechanical or commercial purposes. Such outlet shall be constructed in accordance with

Conditions.

plans and specifications to be drawn or approved by the state engineer, and the city of Cincinnati shall give bond in such sum as shall be prescribed by the state board of public works, to be approved by the attorney general for the faithful performance of the work.

Further conditions.

And such permission shall be granted upon the further condition that said city shall adopt and construct appropriate works for the purpose of supplying water to the lessee users of said water along that portion of the canal to be abandoned, in order to and for the purpose of enabling the state fully to carry out and discharge the obligations now resting upon it by virtue of certain contracts now subsisting and in force between it and said lessee water users, during the remainder of the terms of said contracts, in the same quantity and under the same conditions and at the same rate of rental provided for in said contracts, and provided further that during the period of construction of a street or subway or of appropriate works for the purpose of supplying water to the lessee users of said water, as herein provided said city of Cincinnati shall cause no cessation or diminution of the supply of water to the said lessee water users to which they are entitled under their respective contracts or leases with the state of Ohio except insofar as such cessation or diminution of such supply of water may be absolutely necessary.

Arbitrators.

SECTION 3. Upon the passage of this act the governor shall appoint three (3) arbitrators, none of whom shall be residents of Hamilton county, who shall, whenever the council of said city decided that such canal be used for all the purposes mentioned in section one (1) hereof, proceed to act as provided in section four (4) of this act.

SECTION 4. The arbitrators thus selected shall constitute a board of arbitration whose duty it shall be, without reasonable delay, to ascertain and fix the actual value of the property of the state specified in section one hereof. The annual rental to be paid by the city of Cincinnati to the state for the use of such property shall be a sum equal to four (4) per cent. of such valuation so ascertained and fixed. Such board of arbitrators shall report the valuation as above provided for in writing to the governor and the council of such city respectively. And such board of arbitration shall have authority to hear the testimony of witnesses as to the fair value of such canal so to be taken by said city, to employ such assistants as it may deem necessary, and to fix their compensation, and to incur the expenses incident to its work. Each arbitrator shall receive for his services not exceeding twenty-five dollars a day for the period of time actually employed in the work of acting as arbitrator on such board; and all such expenses and such compensation shall be paid by said city, one-half of the amount so paid to be a credit upon the first installment of rent payable under the lease that may be entered into pursuant to this act. In case of any vacancy occurring in such board from any cause, such vacancy shall be filled in the

Duties of arbitrators.

same manner in which the appointment so becoming vacant was made. Provided that all rentals accruing to the state under this act, shall be paid into the state treasury to the credit of the general revenue fund.

Lease shall be granted upon approval by council and governor.

SECTION 5. Upon approval by resolution of the council of said city of the amount of such valuation as fixed by such board of arbitration or a majority of them, and upon the governor being satisfied that the interests of the state are fully protected and that the valuation placed upon such property is adequate, which fact shall be endorsed upon such lease by the governor, he shall execute and deliver to the city of Cincinnati a lease for ninety-nine years, renewable forever, which lease shall not be assignable, of such canal so to be taken by the said city of Cincinnati for the uses and purposes before mentioned, and upon the terms and conditions specified in this act; and such lease shall contain covenants on the part of said city for payment of said rental to the state in equal semi-annual payments during such term of such lease, and for compliance with this act, and on the part of the state for quiet enjoyment by said city of Cincinnati of the demised premises, and the attorney general shall prepare such lease, and such lease shall contain the further provision that if said city of Cincinnati fails, neglects or refuses to perform all or any of the terms and conditions of said lease or fails, neglects or refuses to comply with each and every of the terms and provisions of this act, the said lease shall become null and void and said city and the users and occupiers of said property shall forfeit all rights in said lease and in the property located upon the land therein described and such other covenants and provisions as, in the judgment of the attorney general, will protect the interests of the state.

Conditions.

In case the state of Ohio shall at any time build a canal of not less than nine-foot gauge from Lake Erie to the Ohio river at Cincinnati, the city of Cincinnati shall reimburse the state for the amount of its expenditure in procuring right of way either by purchase or condemnation, or both, for said canal, from a point three hundred feet north of Mitchell avenue, through the Mill Creek valley, to the Ohio river.

Regulations.

SECTION 6. The surface of such street or boulevard when completed shall not be occupied or used for the purpose of any street, steam, electric, elevated or other kind of railroad whatsoever, nor shall any rights by way of appropriation be exercised or permitted as against such property; but nothing herein shall prevent the construction by said city or its grantee, of a subway beneath such street or boulevard, for use of a street, electric, suburban or interurban railway; provided, however, that the right to construct such subway or to use the same when constructed for any street, electric, suburban or interurban railway thereunder, shall never be granted or permitted to any person, persons or corporation other than said city, except on terms that shall provide for competitive bidding for the right to construct

or use the same as aforesaid and on terms that shall secure to street, electric suburban, interurban or underground electric railways the right to use the subway, all tracks, appliances, services and electric current in and incident thereto, on equal and proportionate terms, said terms to be determined on the basis of the total cost of operation and a reasonable return on the investment, provided further, that any street, electric, suburban or interurban railway using such subway shall permit the use of its tracks by any other electric, suburban or interurban railway for a reasonable compensation for such distance as is necessary to secure entrance to such subway, and provided further that should a gauge other than standard gauge be established for the tracks in said subway, a standard gauge shall likewise be provided for the tracks therein and for such tracks as are necessary to secure entrance thereto.

Any grant or franchise made to any person, firm or corporation to construct or operate a subway under the property mentioned in section one hereof, shall be subject to all the provisions of sections 9147, 9148 and 9149 of the general code relating to underground railroads.

SECTION 7. All laws and parts of laws inconsistent herewith are hereby repealed.

SECTION 8. If any section or portion of this act shall for any reason be declared to be unconstitutional, such invalidity shall not affect any other section or portion hereof.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 15th, 1911.

This bill was presented to the Governor May 15th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 1st, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

116

[House Bill No. 227.]

AN ACT

To amend sections 9703, 9711, 9716, 9721, 9758, 9759 and 12898 of the General Code relative to organizing and government of incorporated banking companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9703, 9711, 9716, 9721, 9758, 9759 and 12898 of the General Code be amended to read as follows:

Articles of incorporation must be acknowledged, and what they must contain.

Sec. 9703. Such persons shall subscribe and acknowledge before an officer authorized to take acknowledgments of deeds, articles of incorporation, the form of which shall be prescribed by the secretary of state, which must contain:

a. The name by which such corporation is to be known, which shall begin with the word "The" and end with the word "bank" or "company".

b. The place where its business is to be transacted, designating the particular city, village or township.

c. The purpose for which it is formed, whether that of a commercial bank, savings bank, safe deposit company, trust company, or a combination of two or more or all, of such classes of business.

d. The amount of its capital, which shall be divided into shares of one hundred dollars each.

Notice; when directors chosen.

Sec. 9711. As soon as the capital stock of such corporation is fully subscribed and ten per cent. thereof paid in, the subscribers of the articles of incorporation, or a majority of them, shall so certify in writing to the secretary of state, and thereupon give notice to the stockholders, in the manner provided for other corporations, to meet for the purpose of choosing not less than five nor more than thirty directors, who shall continue in office until the time fixed for the annual election, and until their successors are elected and qualified. But if all subscribers are present in person or by proxy, such notice may be waived in writing.

When corporation may commence business.

Sec. 9716. The entire capital stock of such corporation shall be subscribed and at least fifty per cent. of each share paid in before it may be authorized to commence business. The remainder of its capital stock shall be paid in in monthly installments of at least ten per cent. each on the whole amount of the capital, payable at the end of each succeeding month from the time it is authorized by the superintendent of banks to commence business. The payment of each installment shall be certified under oath to the superintendent of banks by the president, secretary, treasurer, or cashier of such corporation.

Certificate from superintendent of banks.

Sec. 9721. If upon such examination of the facts referred to in section 9720, and of any other facts which may come to the knowledge of the superintendent of banks, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such corporation or otherwise, the superintendent of banks finds that such corporation is lawfully entitled to commence business, he shall give it a certificate under his hand and official seal that it has complied with all of the provisions required by law, and is authorized to commence business. But the superintendent may withhold such certificate when he has reason to believe that the stockholders have formed such corporation for any other purpose than the legitimate business herein contemplated, or that the character and general fitness of the persons named as stockholders in the

certificate are not such as to command the confidence of the community in which such bank is proposed to be located, or that the public convenience and advantage will not be promoted by its establishment. If the superintendent of banks withholds a certificate for any of the reasons named in this section an appeal may be made to a board composed of the governor, attorney general and superintendent of banks whose decision shall be final. Appeal.

Sec. 9758. Subject to the provisions of the preceding section commercial banks may invest their capital, surplus and deposits in, or loan them upon: Investment of capital or surplus.

a. Personal or collateral securities.

b. Bonds or other interest-bearing obligations of the United States, or those for which the faith of the United States is pledged to provide payment of the interest and principal, including bonds of the District of Columbia; also in bonds or other interest-bearing obligations of any foreign government.

c. Bonds of interest-bearing obligtions of this or any other state of the United States.

d. The legally issued bonds or interest-bearing obligations of any city, village, county, township, school district or other district, or political subdivision of this or any other state or territory of the United States and of Canada.

e. Mortgage bonds or collateral trust bonds of any regularly incorporated company, which has paid, for at least four years, dividends at the rate of at least four per cent. on their capital stock. Such loan shall not exceed eighty per cent. of the market or actual value of such bonds, the purchase of which first has been authorized by the directors. All such securities having a fixed maturity shall be charged and entered upon the books of the bank at their cost to the bank, or at par, when a premium is paid, and the superintendent of banks shall have the power to require any security to be charged down to such sum as in his judgment represents its value. The superintendent of banks may order that any such securities which he deems undesirable be sold within six months.

f. Notes secured by mortgage on real estate, where the amount loaned thereon inclusive of prior incumbrances does not exceed forty per cent. of the value of the real estate if unimproved, and if improved sixty per cent. of its value, including improvements, which shall be kept adequately insured. Not more than fifty per cent. of the amount of the paid in capital, surplus and deposits of such bank at any time shall be invested in such real estate securities.

Sec. 9759. Commercial banks shall keep as reserve at least fifteen per cent. of their total deposits, at least six per cent. of that part of such deposits which is payable on demand, and at least four per cent. of that part of such deposits which are time deposits shall be kept in the vaults of the bank in lawful money, national bank notes or bills, notes, and gold or silver certificates issued by the United States. That part of such reserve not so kept, shall be kept, Reserve.

subject to demand, in other banks or trust companies, designated by resolution of the board of directors for that purpose, a copy of which upon its adoption, shall be forthwith certified to the superintendent of banks, and the depository thus designated shall be subject to the approval of the superintendent of banks.

If the superintendent of banks withholds his approval, appeal may be made to a board to be composed of the governor, the attorney general and the superintendent of banks, whose decision shall be final.

Information to be kept secret.

Penalty.

Sec. 12898. Whoever, being the superintendent of banks, a deputy assistant, clerk in his employ or an examiner, fails to keep secret the facts and information obtained in the course of an examination, except when the public duty of such officer requires him to report upon or take official action regarding the affairs of the corporation, company, society or association so examined, or wilfully makes a false official report as to the condition of such corporation, company, society or association, shall be fined not more than five hundred dollars or imprisoned in the penitentiary not less than one year nor more than five years, or both. Nothing in this section shall prevent the proper exchange of certain valuable information relating to banks and the business thereof, with the representatives of the banking departments of other states or with the national bank authorities.

SECTION 2. That said original sections 9703, 9711, 9716, 9721, 9758, 9759 and 12898 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 29th, 1911.

JUDSON HARMON,
Governor.
117

[House Bill No. 598.]

AN ACT

For leave to sue the state of Ohio, to adjudicate a claim of Miss Ellen Hunt.

WHEREAS, One Ellen Hunt, of Cleveland, Ohio, was hereinbefore, to-wit, on the 2nd day of September 1897, adjudged insane and committed to the Cleveland State Hospital for the Insane, and

WHEREAS, Said Ellen Hunt claims said adjudication and said commitment were illegal, and

WHEREAS, Said Ellen Hunt claims to have suffered great damage thereby, now therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the said Ellen Hunt be and she is hereby permitted and empowered to commence an action in the court of common pleas of Cuyahoga county against the state of Ohio, that her said claim as hereinbefore set forth may be properly determined. Service of process shall be made upon the attorney general who shall represent the state in this action. Should the said Ellen Hunt recover judgment in said action, then in that event the auditor of state is authorized and directed to issue a warrant for the amount of such recovery and the costs in favor of said Ellen Hunt.

Ellen Hunt permitted to commence action.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed May 18th, 1911.
Approved May 29th, 1911.

JUDSON HARMON,
Governor.
118

[House Bill No. 357.]

AN ACT

To provide for granting to the city of Akron, Ohio, the right to use and occupy certain waters and lands of the state for waterworks and park purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is hereby granted to the city of Akron, in the county of Summit, and state of Ohio, the right to divert and use forever for the purpose of supplying water to said city of Akron and the inhabitants thereof, the Tuscarawas river, the big Cuyahoga and little Cuyahoga rivers, and the tributaries thereto, now wholly or partly owned or controlled by the state and used for the purpose of supplying water to the northern division of the Ohio canal, provided, however, and this grant is upon the condition that at no time shall said city use the waters of any such stream, to such extent or in such manner as to diminish or lessen the supply now necessary, to maintain the flow in and through the canal as said canal now exists or as hereafter may become necessary for navigation purposes for an enlarged canal and upon the further condition that the city of Akron shall at all times save the state harmless from all claims arising from such grant and construction thereunder.

Akron city permitted to occupy and use certain waters and lands of the state.

SECTION 2. There is hereby granted to said city of Akron for the waterworks purposes as aforesaid the right to enter in and upon and occupy the lands of the state in

Storage rights.

said Summit county to develop additional storage either by the construction of new reservoirs or dams, or the enlargement of those already constructed by the state on said rivers, always provided that said construction or enlargement will not result in any interference with or diminution of the supply now necessary for said canal for navigation purposes. And, provided further, that before any such construction of reservoirs or dams, or enlargement of reservoirs or dams now existing shall be commenced, the plans and specifications therefor be first approved by the chief engineer of the state board of public works. And further provided, that any diversion or impounding on the lands of the state of said Tuscarawas river and the tributaries thereto, by said city of Akron, shall be east of highway known as South Main street extended south. And if the waters of said Tuscarawas river are impounded, used or diverted by said city, the amount of the flow as now or hereafter used and controlled by the state shall not be diminished by such impounding, use or diversion by said city during the months of June, July, August, September, October and November; and at no time shall said city of Akron take or use from any reservoir constructed on the Tuscarawas river an amount of water in excess of an annual average of fifteen million gallons per day, unless with the approval of the board of public works and upon such terms and conditions as may be agreed upon between the said board of public works and said city of Akron, and the chief engineer of the said board of public works shall at all times have access to said property for the purpose of ascertaining the amount of water that is being used by said city of Akron.

Arbitrators.

The governor shall appoint a commission of three arbitrators to fix the compensation to be paid the state by the city of Akron for any lands or property, exclusive of water, taken by the city of Akron under the provisions of this act.

Money to credit of general revenue fund.

Provided that any money accruing to the state under this act shall be paid into the state treasury to the credit of the general revenue fund.

SECTION 3. The governor, upon behalf of the state shall execute and deliver to the city of Akron, Summit county, Ohio, a grant of the right to use forever the waters of such streams, as herein provided, under the provisions herein set forth and for the purposes herein stated.

Grant by governor.

The attorney general shall prepare the form of said grant.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.

This bill was presented to the Governor May 18th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, ex-

clusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 2nd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
119

[House Bill No. 97.]

AN ACT

To permit the city of Newark, Licking county, Ohio, to use and occupy as a street a part of the bed of the Ohio canal within the city limits of said city.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is granted to the city of Newark, Licking county, Ohio, the right to use and occupy for street purposes that part of the bed and banks of the Ohio canal in such city on what is known as Canal street, extending from the east side of Front street to the west side of Sixth street, within the limits of such city, and for that purpose to fill and level the same, but upon and subject to these conditions, viz: That such city shall, at its expense, lay and maintain at or near the present bottom of the canal bed an iron pipe of the diameter of not less than one and one-half feet, wherever the bed of such canal is filled up, through which to conduct and flow from the canal bed at the west side of Sixth street to the east side of Front street, in such city, water to supply the factories or establishments which now use, or which may hereafter apply to use water for manufacturing purposes, and provide on demand the usual facilities for connections with such pipe; and upon the further condition that such city whenever said part of such canal is desired by the state of Ohio for any use, purpose or sale, it shall give notice in writing through its board of Public Works or any other board having the management and control of such canal, to the city of Newark, Ohio, that the State of Ohio has revoked the privilege herein granted, which it hereby reserves the right to do without any consideration to such city, then such city shall within six months after such notification restore such canal within the limits aforesaid, to its present condition and remove such pipe; and upon the further condition that the such city of Newark by its council shall accept this grant and its conditions by ordinance duly passed and approved.

Newark city granted the right to occupy and use Ohio canal in city limits.

Conditions.

The said city shall pay to the State for the use of said property an annual amount equal to four (4) per cent. of its actual value, so long as such property is so occupied by said city. Such value shall be determined by three commissioners to be appointed by the Governor and the rights granted under this act shall not become effective until after the Governor shall have approved such valuation.

Annual payment of 4% actual value.

Approval.

Such moneys so paid in to the state shall be credited to the General Revenue fund.

SECTION 2. That such grant and privilege shall continue in force until the notification aforesaid is given.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.

This bill was presented to the Governor May 18th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 2nd, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
120

[House Bill No. 568.]

AN ACT

To supplement section 5635 of the General Code, by the enactment of an additional section to be known as section 5635-1, exempting island municipalities from the provisions of said sections 5635 as to the levying of taxes for road and bridge purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5635 of the General Code be supplemented by an additional section to be known as section 5635-1 as follows:

Exemptions.

Sec. 5635-1. That the provision of section five thousand six hundred and thirty-five shall not apply to the taxable property within the limits of a municipal corporation when the limits of such municipal corporation are identical and co-extensive with the limits of an entire island.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.

This bill was presented to the Governor May 18th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 11th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
121

[House Bill No. 225.]

AN ACT

To amend section 9143 of the General Code, and to supplement the same by the enactment of sections designated as 9143-1, 9143-2, 9143-3, relating to underground railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9143 of the General Code be amended and supplemented to read as follows:

Elevated structures and crossings must not obstruct travel.

Sec. 9143. Such elevated structures and crossings shall be of such height and construction as not to prevent substantially the ordinary use of, and traffic upon, such roads, streets, alleys, ways, or grounds, whether by pedestrians, vehicles, street cars or otherwise, except temporarily when necessary in the construction of the elevated structures and crossings. Such tunnels for elevated railroads or subways for underground railroads shall be constructed as not to impair the stability of the roads, streets, alleys, or public grounds, or prevent the use of any sewers, street railway tracks and appliances, pipes, wires, and conduits used for any purpose in the streets, alleys, ways or grounds except temporarily when necessary in the construction of the tunnels or subways, except as hereinafter provided. And such elevated structures and crossings and such tunnels and subways shall be constructed in accordance with general plans approved by the director of public service of the municipality. All such work of construction shall be subject to the supervision and control of the director of public service.

Subways must not impair streets nor prevent use of sewers, etc.

Changes and removals.

Sec. 9143-1. The council may grant to the company the right to move, change, elevate, depress, relocate and reconstruct at its sole expense any sewer, sewer connection, catch-basin, water pipe, water connection, natural or artificial gas pipes or connections, hydrants, conduits, pipes, wires, street railway tracks and appliances, poles, whether for street railway, electric lighting, heating, power, telegraph, telephone, signal service, or any other purpose, or any other obstruction, which may be encountered in the construction of the underground railroad.

Filing of plans and specifications required.

Approval, notice, hearing, bond.

Any such company shall before proceeding to move, change, elevate, depress, relocate, or reconstruct any such sewer, sewer connection, catch basin, water pipe, water connection, natural or artificial gas pipes or connections, hydrants, pipes, wires, conduits, poles and street railway tracks or appliances, or other obstructions, file with the director of public service of the municipality detailed plans and specifications for all of said work. No such work shall be commenced unless such plans and specifications shall first be approved by the director of public service of such municipality, after notice and hearing, and unless such company shall file with the director of public service a bond in such amount and with such sureties as the director of public service may determine, conditioned to indemnify

and save harmless the owners of any such sewer, sewer connection, catch basin, water pipe, water connection, natural or artificial gas pipes or connections, hydrants, pipes, wires, conduits, poles or street railway tracks or appliances, and the owners of any other property situated in, on, under, or near any such road, street, alley, way, or public ground, from all cost and expense of such work and damages resulting from injuries done thereby. Such director of public service may change, modify or reject any such plans or specifications, and such work of construction shall be performed under the supervision and control of the director of public service.

Director may modify or reject plans.

If such plans and specifications shall locate any such sewer, sewer connection, catch basin, water pipe, water connection, natural or artificial gas pipe or connection, hydrants, pipes, wires, conduits, or any other structures within the gallery, subway or tunnel of such underground railroad, the owners of the same shall be entitled to use such space within such gallery, subway, or tunnel, without compensation for such use and occupancy, except a reasonable charge to defray the actual cost of maintenance; provided, however, that if any such sewer, pipe, conduit or other conductor shall be of greater capacity than that existing prior to the construction of such underground railroad, the underground railroad shall be entitled to charge for the increased capacity of such conductor and not otherwise. All cost, damage, and expense, incidental to the work of removing, supporting, readjusting and reconstructing any such sewer, sewer connection, catch basin, water pipe, water connection, natural or artificial gas pipes or connections, hydrants, pipes, wires, conduits, poles, street railway tracks or appliances, or other structures, and all cost of supervision by the city shall be borne by and paid for by such elevated or underground railroad. Nothing contained in this act shall authorize the permanent removal or exclusion from any such road, street, alley, way or ground of any such sewer, sewer connection, catch basin, water pipe, water connection, natural or artificial gas pipe or connections, hydrants, pipes, wires, conduits, poles, street railway tracks or appliances, and other structures, authorized to be located therein, except when suitable facilities for such services have been otherwise provided for therein, or to prevent the practical construction, repair, operation and use of the same.

Sewer, water pipe, etc., may be located in subway without compensation.

Cost, damage and expense.

Sec. 9143-2. Any ordinance of any city purporting to grant the rights or privileges, or any of them, contained in this act to any company, and which grant has been accepted and on account thereof money has been expended in good faith, is hereby declared to be as valid and effective as if the power in said city to so grant such rights and privileges had been expressly enumerated in the general municipal corporation act.

When the grant of such right and privileges deemed valid.

Sec. 9143-3. The council may authorize the company to lease space in its tunnel or subway, for the purpose of

Right to lease space in tunnel or subway.

placing pipes, conduits, tubes and wires for artificial or natural gas, water, sewer, heating, telegraph, telephone, signal service, United States mail, electricity for light, heat and power purposes, to any company which has been duly authorized by the municipality to engage in and which company is actually engaged in the business in connection with which the use of such space is to be made; provided that such lease shall be made and such space occupied in such manner and on such terms and conditions, as the council may determine and approve. And the council shall have the right to place, or cause to be placed in such tunnel or subway any pipes, lines and conduits for any of its service, including those above named, without charge, except for cost of construction, provided that such placing shall not interfere with the company's use of the subway.

SECTION 2. That said original section 9143 of the General Code be and the same is hereby repealed. Repeal.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 18th, 1911.
Approved May 29th, 1911.

JUDSON HARMON,
Governor.
122

[Senate Bill No. 268.]

AN ACT

To amend sections 4892, 4906, 4908, 4916, 4917, 5061, 5062, 5067 and 5073 of the general code, and sections 5083 and 5088 of the general code, as amended by an act passed May 2, 1910, 101 Ohio laws, pages 163 and 164, and section 5090 of the general code, and to enact certain supplementary sections entitled sections 5090-1, 5090-2, 5090-3 and 5090-4, further to safeguard the conduct of elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4892, 4906, 4908, 4916, 4917, 5061, 5062, 5067, and 5073 of the general code, and sections 5083 and 5088 of the general code, as amended by an act passed May 2, 1910, 101 Ohio laws, pages 163 and 164, be amended and section 5090 of the general code, be amended and supplemented so as to read as follows:

Sec. 4892. Each such register of electors shall contain space and ruled lines for at least seven hundred names, and be arranged and ruled in parallel columns with printed heading in the following order: Number (consecutively), full name, age, present place of residence, place of residence at last registration, occupation, term of residence, nativity, when naturalized, court, married or single, personal descrip- Form of register of electors.

tion, date of registration, sworn, signature, remarks. The rulings and headings of each page of the register shall be according to the following diagram enlarged.

(Diagram Attached.)

Manner of registration.

Sec. 4906. In entering his "number," such number shall be filled up consecutively, leaving no blank. In "name" they shall include his christian name or names in full, as well as his surname. In the column as to present place of residence, shall be stated the name of the street, avenue, alley or way in which his dwelling is located or access thereto is usually had, and the number of the house, if it has one. If it has no number, a definite description by which it can easily be found must in every case be given and entered. If there are more houses than the one under the number so given, or if there are other families, tenants or lodgers in that in which the applicant resides, he must specify in which house and on which floor and whether front or rear, of such house he resides, and the number and location of his tenement.

In the column as to "place of residence at last registration" shall be stated his then post office address, with street number, if any, and, if his residence was the same, the words "same residence" shall be entered.

In the column as to "age," the years and months must be stated, and, if the applicant is not at the time twenty-one years of age or more, the words "not of age" must be inserted in the column of "remarks."

In the column as to "occupation," his occupation and the name of his employer, if he has one, must be stated.

In the column as to "term of residence," the periods of years and months of his residence in the precinct and state must both be stated.

In the column as to "nativity," the name of the state or foreign country must be given.

In the column as to "naturalized," the answer "yes" or "no" or "native" must be given and stated. If naturalized, the proper certificate or evidence must be produced, unless such certificate has been filed with the board of deputy state supervisors, as herein provided.

In the column as to "married or single," if the head of a family, it must be so stated.

Nothing shall be entered in the column as to "personal description" until the applicant has signed the register, and then lines shall be drawn unless the applicant has been challenged, or signs by mark, in either of which events, the color of his hair, the color of his eyes, apparent height, apparent weight and other means of identifying him, such as the loss of a member, whether smooth-shaven or otherwise, and description of birth-marks or scars, if any, shall be stated.

The column as to "date of registration" must be filled with the date on which the applicant actually registered, and none other.

Sec. 4908. After the answer of the applicant to the questions under the head of each column, except the ques-

tions as to "personal description" has been properly entered by the registrars, in his presence, and not until then, he must enter his signature on the same line and in both of the registers in the column "signatures." An applicant who signs by mark shall make an affidavit on a blank prepared for that purpose that he cannot sign his name, which affidavit shall be delivered to the office of the board of deputy state supervisors, with the registers, and there preserved, and the signature of an applicant who signs by mark must also be attested by at least one subscribing witness, who shall be an elector and may be examined under oath by the registrars as to his knowledge of the person thus attested, and in such case noted by the registrars on the registers as "sworn" or "affirmed," as the case may be.

Signatures and marks.

Sec. 4916. On the day following each registration day, unless such day be Sunday or a registration day, in which event on the next succeeding day, each year, the registrars of each election precinct shall make and deliver to the board of deputy state supervisors at its office in such city a true list of the names of all the electors registered by them in their respective precincts on the preceding day or days, arranged in the alphabetical order of their surnames, followed by their full Christian names and residences, and having the registry number of each prefixed. The lists shall be under the following heading: "List of electors registered in ward ....., precinct ....., of the city of ....., on the ..... days of ....., 19...., No. ....., ..., ..., name, ... residence."

List of registered electors delivered to board of deputy state supervisors.

The following certificate shall be annexed at the end of the list and signed by both of the registrars of the several precincts: "We, the undersigned, registrars of electors in ward ....., precinct ..... of the city of ..... and state of Ohio, do certify that the foregoing list is a true and correct copy of the names, residences and registry numbers on the registers of such precinct of all persons who have been registered by us as residents and qualified electors in such precinct, this ..... day of ..... in the year nineteen hundred and ....."

Certificate.

Sec. 4917. The board of deputy state supervisors shall immediately cause a number of copies of such list for each precinct in such city respectively to be printed on broad side sheets of thick paper and in plain type, two of which lists they shall cause to be securely posted at the polling place of such precinct, within five days after they receive such lists from the registrars, and one of which shall be delivered to the controlling committee of each political party or authorized committee of each set of candidates nominated by petition. Each list printed shall include all the names theretofore received, and when a new list is posted, the preceding list may be removed. After the close

List to be printed and posted at polling place.

of any registration of electors held prior to any primary or special election, the new names shall be underscored.

Copies of complete registration.

A copy of the complete registration prior to a November election from each precinct shall be retained by the board of deputy state supervisors, and each year, after the close of the annual registration, bound together in a volume and preserved in its office. They shall cause at least fifty additional copies of such list respectively to be printed in pamphlet form for immediate distribution.

Challenge; oath.

SEC. 5061. If the person offering to vote is challenged as unqualified, one of the judges shall tender him the following oath: "Do you swear that you will fully and truly answer all questions put to you, touching your place of residence and qualifications as an elector at this election?"

First—If the person is challenged as unqualified on the ground that he is not a citizen, the judges or one of them shall put the following questions:

Questions.

1. Are you a citizen of the United States?
2. Are you a native or naturalized citizen?

If the person offering to vote claims to be a naturalized citizen of the United States, he shall, before his vote is received, produce for the inspection of the judges of elections a certificate of his naturalization, and also state under oath that he is the identical person named therein. The production of the certificate shall be dispensed with if the person offering to vote states under oath when and where he was naturalized, that he has had a certificate of his naturalization, and that, against his will, it is lost, destroyed or beyond his power to produce to the judges of elections, or if he states under oath that by reason of the naturalization of his parents or one of them he has become a citizen of the United States, and when and where his parent or parents were naturalized, the certificate of naturalization need not be produced.

Second—If the person is challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election, the judges or one of them shall put the following questions:

1. How long have you resided in this state?
2. Have you been absent from this state within the year immediately preceding this election? If yes, then—
3. When you left this state, did you leave for a temporary purpose with the design of returning, or for the purpose of remaining away?
4. What place did you look upon and regard as your home while you were absent from this state?
5. Did you, while absent, vote in any other state?
6. Have you a family? If so, where does your family reside.

Third—If the person is challenged as unqualified on the ground that he is not a resident of the county or precinct where he offers to vote, the judges or one of them shall put the following questions:

1. How long have you resided in this precinct?

2. How long have you resided in this county?

3. When did you last come into this county?

4. When you came into this county, did you come for a temporary purpose merely, or for the purpose of making it your home?

5. Did you come into this county for the purpose of voting in this county?

6. Are you an actual resident of this precinct?

7. Have you a family? If so, where does your family reside?

Fourth—If a person is challenged as unqualified on the ground that he is not twenty-one years of age, the judges or one of them shall put the following question:

Give the day, month and year of your birth to the best of your knowledge and belief.

Fifth. If the person is challenged on the ground that he is not the same person who registered under the name under which he offers to vote, the judges or one of them shall put the same questions as were asked when such name was registered, but in a different order, and the person so offering to vote shall be required to sign his name, which signature the judge shall compare with the signature on the register. If the person who registered signed by mark, the person offering to vote who is challenged on the above ground, shall be further identified in such manner as the judges of election may require.

The judges of election or one of them shall put such other questions to the person challenged under the respective heads herein designated, as may be necessary to test his qualifications as an elector at the election, and the challenger, or any person lawfully within the polling place, may request the judges to put such other questions to any person challenged under the respective heads as may be necessary to test his qualifications as an elector at the election, and one of the judges shall put the same.

Refusal or inability to answer questions; effect of.

Sec. 5062. If a person challenged refuses to answer fully any question put to him, or is unable to answer the questions on the registers as they were answered by the person under whose name he offers to vote, or is unable to furnish satisfactory proof of identification, or refuses to sign his name, or if for any other reason a majority of the judges believe he is not entitled to vote, the judges shall reject his vote.

Vote.

Sec. 5067. One of the election officers shall then detach the ballot with the secondary stub attached, from the main stub, fold it, hand it to the elector, and the elector shall be allowed to enter the place enclosed by the guard rail. The officer shall give him one and only one of each and every ballot to be voted at the election.

Sec. 5073. The elector shall return each and every ballot that he has received, and each, except such as are soiled or defaced, as provided in this chapter, shall be deposited in the ballot box. One of the judges of election shall receive the ballot, examine the secondary stub bearing the

elector's registered number or name, for the purpose of identification, and thereupon pronounce with an audible voice the name of the elector. If the judges are satisfied that he is a citizen of the United States and legally entitled to vote at the election, the judge to whom such ballot was delivered shall detach the secondary stub and immediately deposit the ballot in the ballot box, without inspecting the names written or printed thereon. The clerks of elections shall enter the name and number of the elector in the poll books in the manner provided by law.

Entry.

Sec. 5083. One of the ballots shall then be taken out of the ballot box by one of the judges and shall forthwith be inspected by all the judges and inspectors. If the judges all agree as to how the ballot shall be counted, one of them shall place it where it can readily be seen by the other judges and by the inspectors, and shall read aloud distinctly the names of the candidates voted for and the answers to any questions that may have been submitted, and the clerks shall forthwith tally the same. In the event that the judges do not agree as to how any part of the ballot shall be counted, such ballot shall not be counted but shall be placed in an envelope provided for the purpose. The same method shall be observed in respect to all the ballots until all the ballots shall have been taken from the ballot boxes.

Tally.

Count.

Sec. 5088. The clerks shall enter in separate columns by tallies under or opposite the names of the persons voted for, and the answers to the questions that may have been submitted as provided in the form of tally sheets, all votes thus read by the judges. After the examination of the ballots has been completed, the number of votes for each person and for the respective answers to each question submitted, shall be enumerated under the inspection of the judges and set down, as provided in the form of the tally sheets.

Sec. 5090. When all these requirements are complied with, the judges, in the presence of the clerks and the inspectors, shall destroy by burning the ballots so read and counted. But if there are any ballots placed in the envelopes for uncounted ballots, such envelopes shall be sealed and returned to the deputy state supervisors with the returns of the election, to be by them counted. At least one day before the beginning of the official count, the board of deputy state supervisors, in the presence of one person duly authorized by the chairman of each county controlling committee and the chairman of the committee of each set of candidates nominated by petition, shall open the envelopes containing the uncounted ballots and determine what part and for whom each such ballot shall be counted, and proceed to count and tally the same. Said ballots shall be further preserved for such judicial or other investigation as may be necessary.

Official count.

Presidential elections.

Sec. 5090-1. At presidential elections, the names of the candidates for president and vice-president shall be printed on the tally sheet. When, upon a ballot, all the

candidates of the same party for presidential elector are voted for, one of the judges shall so announce and the clerks shall record such votes by a tally opposite the names of the candidates for president and vice-president. When, upon a ballot, candidates for more than one party for presidential elector, or less candidates for presidential elector than are to be elected, are voted for, one of the judges shall so announce and the clerks shall record such votes by a tally opposite the name of the proper candidate for presidential elector. The total of all votes cast for each candidate for presidential elector shall be enumerated under the inspection of the judges and set down to the credit of the presidential elector so voted for.

Sec. 5090-2. If three or more electors of any election district have reason to believe that a name appearing upon any election register made for the registration of electors for a succeeding election is illegally registered, they may apply in writing to any common pleas judge of the judicial district or the probate judge of the county in which the election precinct, upon the register of which such name appears, is situated, for an order to strike such name from the register. Such application shall not be made later than the Tuesday preceding such election. At the time of so applying, they shall present to the said judge an affidavit signed by one or more of them, setting forth their reasons for believing that the said name is illegally registered. Said judge shall forthwith consider said application, and if he shall determine from said affidavit or other evidence that there is reasonable ground for believing that said name is illegally registered he shall forthwith cause notice of said application to be served by the sheriff upon the person, the registration of whose name is attached, and a copy of such notice to be mailed to him by special delivery to the address which appears from the register to be his residence. This service shall be made by leaving a copy of the notice with said person, or, if he be not found, then by leaving a copy thereof at the place which appears from the register to be his residence. Return thereof shall be made within forty-eight hours. Said notice shall briefly state the substance of the said application and shall order such person to appear before said judge in the court house of the county in which such voting precinct is situated, at an hour to be named therein, which shall be at least forty-eight hours after the service of such notice. At the hour named for the appearance of such person, the said judge shall proceed to investigate whether such name is illegally registered. Witnesses may be summoned in the usual way to testify in regard thereto. If the judge shall find that said name is illegally registered, he shall order such name to be stricken from the register by an order directed to the election judges of said precinct, which order shall be served by the sheriff or coroner and carried into effect by said election judges upon the evening of the day before said election takes place, unless changed, as hereinafter directed. As to all persons

Order to strike from register names illegally registered; how obtained.

who have been personally served, and as to all persons who have entered appearance thereto, said order shall be final; but all persons who have not been personally served, or entered their appearance, shall have the right to apply to said judge at any time before four o'clock p. m. on the day preceding the election to have said order set aside, and if, upon the hearing of said application, the said judge shall not be of the opinion that his name was illegally registered, he shall set aside said order and shall cause notice thereof to be served upon the election judges. The fees of the sheriff, clerk or coroner shall be the same as are allowed in civil cases. The costs of such proceeding shall be paid by the electors making the application in the event a final order is not made granting the application.

Register of arrival and departure of guests.

Sec. 5090-3. Every landlord, proprietor, lessee or keeper of a lodging house, inn or hotel in cities having annual registration shall keep a register in which shall be entered the name, residence, the date of arrival and departure of his guests, and the room or bed occupied by them. This register shall be so arranged that there shall be a space on the same line in which such guest shall sign his name.

Report of landlord to deputy state supervisors and inspectors.

Every such landlord, proprietor, lessee, owner or person in charge of a lodging house, inn or hotel, shall annually on a blank form to be prepared and furnished by the secretary of state, on the Monday prior to the first registration day in such cities, make to the board of deputy state supervisors and inspectors of elections a sworn report showing the location by ward and precinct and by street and number of the premises so used, the names of the lodgers therein, the names of all employes and all other persons living therein, including the landlord, proprietor, lessee, owner or person in charge and members of his family who claim a voting residence at or in such lodging house, inn or hotel, together with the length of time they have been regularly lodging or living therein, the beginning of such residence, color, age, height, weight, color of hair, complexion, or any distinguishing marks of face or body whereby such persons may be identified, place of their nativity, occupation and place of business of such persons and the room occupied by each said person, and whether such persons are guests, landlord, proprietor, lessee, owner or person in charge, and the signature of each said person. Above the space reserved for the signature of each said person shall be printed the following words: "The foregoing statements are true." In the form of affidavit which shall be sworn to by the landlord, proprietor, lessee, owner or person in charge of such lodging house, inn or hotel, shall be included the statement that the signature of the guests or lodgers certified to in said report were written in the presence of such landlord, proprietor, lessee, owner or person in charge, and that he personally knows them to be the persons therein described. To the end that the sworn report herein required shall truly set forth the facts therein stated it shall be the duty of the said landlord, proprietor, lessee, owner or person in charge

Affidavit.

to question each male person lodging or living in such lodging house, inn or hotel as to his intention of claiming such place as a voting residence and such person shall thereupon declare his intention in respect thereto, and if he claims such place as his voting residence he shall give to such landlord, proprietor, lessee, owner or person in charge such facts regarding himself as are required, to be incorporated in the sworn report herein provided for.

Any such landlord, proprietor, lessee, owner, or person in charge, or any lodger who shall violate any provision of this section shall be fined in any sum not more than five hundred dollars nor less than fifty dollars. Penalty.

Sec. 5090-4. Any two members of the board of deputy state supervisors and inspectors of elections in such cities, shall have the right throughout the year whenever deemed necessary by them, to require the owner, lessee, or person in charge of any hotel, inn, lodging house or dwelling to make to said board within ten days after notification, a sworn report upon a blank to be prepared and furnished by such board, which said report shall contain a list giving the names of every male person of twenty-one years and upwards who resides in said hotel, inn, lodging house or dwelling, together with the period they have resided therein, and such other information as shall be deemed necessary by said members, and said members shall have the power whenever deemed necessary by them, to require said owner, lessee or person in charge in addition to notify said board whenever any of such male persons shall within nineteen days before election leave said hotel, inn, lodging house or dwelling. Power of board to require report at any time.

Any owner, lessee or person in charge of such hotel, inn, lodging house or dwelling in such cities who neglects to furnish said list when so demanded and within ten days after notification, shall be fined not to exceed five hundred dollars. Penalty for neglect to furnish list.

Any owner, lessee or person in charge of such hotel, inn, lodging house or dwelling who shall furnish said board a list which states that a male person has resided in said premises a longer time than he has actually resided therein, or puts upon said list a name under which no person has resided any length of time in said premises, shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars.

SECTION 2. That said original sections 4892, 4906, 4908, 4916, 4917, 5061, 5062, 5067, 5073 of the general code, and sections 5083 and 5088 of the general code as amended by an act passed May 2, 1910, 101 Ohio laws, pages 163 and 164, and section 5090 of the general code be and the same are hereby repealed.

Number.	Full Name.	Age.	Present Place of Residence.				Place of Residence at Last Registration.	Occupation.	Term of Residence.	Nativity.	Naturalized.		Married or Single.
			Street.	No.	Room.	Floor.					When.	Court.	

Continued.—

Personal Description.				Other Means of Identification.	Date of Registration.	Sworn.	Signature.	Remarks.
Color Hair.	Color Eyes.	Apparent Height.	Apparent Weight.					

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 29th, 1911.

JUDSON HARMON,
Governor.
123

[House Bill No. 567.]

AN ACT

To supplement section 5628 of the General Code, by the enactment of an additional section known as section 5628-1, exempting island municipalities from the provisions of said section 5628 as to the levying of taxes for the improvement of state and county roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5628 of the general code, be supplemented as follows:

Sec. 5628-1. That the provisions of section five thousand six hundred and twenty-eight shall not apply to the taxable property within the limits of a municipal corporation when the limits of such municipal corporation are identical and co-extensive with the limits of an entire island.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed May 18th, 1911.
Approved May 29th, 1911.

JUDSON HARMON,
Governor.
124

[House Bill No. 599.]

AN ACT

To supplement section 10160 of the General Code by enacting a supplemental section to be known as 10160-1, authorizing cities and villages to permit the owners or association of owners of lands outside of such corporations to use the sewers of such municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10160 of the General Code be supplemented by the enactment of a section to be known as section 10160-1, to read as follows:

Owners outside municipalities permitted to use sewers.

Sec. 10160-1. The council of any city or village may permit the owners or association of owners of lots and lands abutting on roads or other highways entering such city or village to connect with and use the sewers of such city or village for carrying off sewage and drainage from such outside lots or lands upon such terms as may be agreed upon between such council and the owners or association of owners of such outside lots or lands.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed May 18th, 1911.
Approved May 29th, 1911.

JUDSON HARMON,
Governor.
125

[Senate Bill No. 102.]

AN ACT

To amend section 2250 of the general code, relative to salaries of officials to provide for salary for second assistant chief inspector of workshops and factories, and other state officials.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2250 of the general code be amended so as to read as follows:

Sec. 2250. The annual salaries of the appointive state officers and employes herein enumerated shall be as follows:

Salaries of appointive state officers.

Railroad commissioners, each, five thousand dollars.

Superintendent of insurance, six thousand dollars; deputy superintendent of insurance, two thousand four hundred dollars; actuary, two thousand four hundred dollars; deputy inspector of building and loan associations and supervisor of bond investment companies, three thousand dollars.

Superintendent of banks, five thousand dollars.

Supervisor of public printing, two thousand dollars.

State librarian, three thousand dollars; assistant state librarian, one thousand two hundred dollars.

Commissioner of soldiers' claims, two thousand five hundred dollars.

Commissioner of labor statistics, three thousand dollars.

Superintendent of free public employment, each, one thousand five hundred dollars; clerks to superintendents of free public employment, each, seven hundred twenty dollars.

Chief inspector of mines, two thousand dollars; district inspectors of mines, each, one thousand two hundred dollars.

Chief inspectors of workshops and factories, three thousand dollars; first assistant chief inspector of workshops and factories, two thousand five hundred dollars; second assistant inspector of workshops and factories, two thousand dollars; district inspectors of workshops and factories, each, one thousand two hundred dollars; inspector of high explosives, two thousand dollars.

Chief examiner of steam engineers, three thousand dollars; assistant chief examiner, one thousand eight hundred dollars; district examiners, each, one thousand five hundred dollars; two clerks, each, twelve hundred dollars; clerk, one thousand dollars.

State highway commissioner, two thousand five hundred dollars; assistant highway commissioner, one thousand eight hundred dollars; civil engineers, each, one thousand five hundred dollars; chief clerk, one thousand two hundred dollars.

Secretary of state board of health, three thousand five hundred dollars.

SECTION 2. That said section 2250 of the general code of Ohio be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved May 31st, 1911.

JUDSON HARMON,
Governor.
126

[House Bill No. 361.]

AN ACT

To amend section 7702 of the General Code, relative to appointment of superintendent of city school district, and to provide a uniform time for the beginning and ending of superintendent's contract.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7702 of the General Code be amended to read as follows:

Sec. 7702. The board of education in each city school district at a regular meeting, between May 1st and August 31st, shall appoint a suitable person to act as superintendent of the public schools of the district, for a term not longer than five school years, beginning within four months of such appointment and ending on the 31st day of August. Superintendent.

Vacancy.

Provided, that in the event of a vacancy occurring in the office of the superintendent prior to May 1st, the board of education may appoint a superintendent for the unexpired portion of that school year.

Provided, also, that if the vacancy occur through resignation or removal for cause, the superintendent thus resigning or removed shall be ineligible for reappointment to such office until after the reorganization of the board of education following the next general election of members of such board.

SECTION 2. That said original section 7702 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved May 31st, 1911.

JUDSON HARMON,
Governor.
127

[House Bill No. 625.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to be available to pay liabilities on and after February 16, 1911:

STATE HOUSE AND GROUNDS.

Sundry appropriations.

Materials and repairs..... $3,000 00

ATTORNEY GENERAL.

Expenses incurred in investigation and prosecution of legislative bribery cases subsequent to the passage of S. J. Resolution No. 20 authorizing and directing the Attorney General to assist in such cases..... $5,000 00

OHIO STATE BOARD OF PARDONS.

Salaries including expenses of members..... $800 00

CONSTITUTIONAL CONVENTION OF OHIO.

Sundry appropriations.

Salaries and mileage of members, expenses, uses and purposes of the convention, in accordance with the provisions of S. B. No. 15, 79th General Assembly	$200,000 00

BOARD OF PUBLIC WORKS.

Construction and repair levee at state dam across Miami River, north of Middletown.	$10,000 00
To the council of the village of Spencerville, Allen county, for the state's proportionate share for the construction of a drainage outlet from a point on Fisher ditch to a point on the Serka ditch in the village of Spencerville, Allen county, to take the place of an outlet heretofore constructed by the state of Ohio between said ditches into the Miami and Erie canal and since allowed to fill up and to relieve the state of Ohio from re-opening said last mentioned outlet	1,500 00

CHIEF EXAMINER STEAM ENGINEERS—DEPARTMENT OF BOARD OF BOILER RULES.

Salaries of four members of board at $1,000 each	$2,666 66
Salary of chief examiner steam engineers and chief inspector of steam boilers	800 00
Salary of assistant chief inspector of steam boilers	2,000 00
Salaries of ten general inspectors of steam boilers at $1,800 each	4,500 00
Salary of clerk of board	1,200 00
Traveling expenses	5,000 00
Contingent expenses	2,500 00
Furniture and carpets	500 00

EMPLOYERS' LIABILITY COMMISSION OF OHIO.

Expenses of commission	$1,719 80

STATE HIGHWAY DEPARTMENT.

Salary of commissioner	$1,062 50
Salaries of three deputy commissioners at $3,000 each	6,375 00
Traveling expenses of commissioner and three deputy commissioners at $1,200 each	2,550 00
Salary of chief clerk	212 50

Sundry appropriations.

Salaries of six engineers at $2,000 each	5,312 50
Traveling expenses of six engineers at $1,000 each	2,650 00
Salaries of eight clerks, four at $1,000 and four at $800 each	850 00

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of chief inspector	$500 00
Salary of second assistant chief inspector	1,416 70
Traveling expenses of assistant chief inspectors	600 00

INTERNAL IMPROVEMENT COMMISSION OF OHIO.

Salaries, expenses, uses and purposes of commission in accordance with the provisions of S. B. No. 80, 79th General Assembly	$30,000 00

INSURANCE DEPARTMENT.

Salary of superintendent	$2,000 00

LEGISLATURE.

Salaries and mileage of members	$160,000 00
Contingent expenses of the House	15,000 00
Contingent expenses of the Senate	3,000 00

STATE LIABILITY BOARD OF AWARDS.

Salaries of members of board	$10,000 00
Salary of secretary	1,600 00
Salary of two expert stenographers at $1,200 each	1,600 00
Salary of actuary	1,600 00
Salaries of four assistant actuaries at $1,500 each	3,600 00
Traveling expenses	3,500 00
Contingent expenses	3,000 00
Furniture and carpets	1,200 00
Rent of offices	1,000 00

STATE BUILDING CODE COMMISSION.

Salaries, uses and purposes of commission, in accordance with the provisions of H. B. No. 480, 79th General Assembly	$5,000 00

STATE PROPERTY APPRAISERS.

Per diem and expenses of members	$3,000 00

Stalls and fittings..... $250 00 Sundry appropriations.
Cement floors and attendants' room in barn... 200 00

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 1st, 1911.

JUDSON HARMON,
Governor.
128

[House Bill No. 502.]

AN ACT

To amend sections 5594, 5595, 5596, 5597, 5601, 5622 and 5624 and to supplement section 5601, of the General Code, by supplemental section to be known as section 5601-1, relating to the powers and duties of boards of equalization.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5594, 5595, 5596, 5597, 5601, 5622 and 5624 of the General Code be amended, and that section 5601 be supplemented by an additional section to be known as section 5601-1, as follows:

Sec. 5594. The auditor, surveyor, and commissioners of each county shall compose the county board of equalization of the real property within the county, except such property as lies within a city. The board shall convene at the office of the county auditor, on the third Monday of July, one thousand nine hundred and ten, and every fourth year thereafter. Each member thereof shall be sworn, faithfully and impartially, to equalize the value of real estate within the county that is within their jurisdiction, according to law. Three members shall form a quorum. The auditor shall keep a full and accurate record of the proceedings and orders of the board. County board of equalization.

Sec. 5595. The quadrennial county board of equalization shall complete its work of equalization, on or before the first Monday in October then next following the beginning of the equalization. On the completion of such work the board shall adjourn as a board of equalization. Completion of work.

Sec. 5596. The auditor shall immediately thereafter, give public notice by advertisement, inserted once, in one or more newspapers, that the equalization has been completed, and that complaints against any valuation may be filed with the auditor of the county, on or before the fifteenth day of April next following, and will be heard by the board of revision, stating in the notice the time and place of the meeting of such board Advertisement.

Compensation of surveyor.

Sec. 5597. The county surveyor, when acting as a member of the quadrennial county board of equalization, shall be entitled to receive for each day necessarily employed in the performance of his duties, including his duties as a member of the board of revision, the sum of five dollars, to be paid out of the county treasury. Each member of the quadrennial county board and each member of the annual county board of equalization, including his duties as a member of the board of revision, shall be entitled to receive from the county his actual and necessary expenses incurred in the performance of such duties, which shall be paid from the county treasury upon the allowance of such boards, respectively.

Expenses.

All expenses necessarily incurred in the performance of their respective duties by members of quadrennial county boards of equalization during the year 1910 shall be paid from the county treasury, upon the allowance of such boards respectively.

Messengers and clerks.

The quadrennial county board of equalization, sitting as a board of equalization or as a board of revision, may determine the number of messengers and clerks necessary for the discharge of the duties imposed upon it by law. The county auditor shall appoint such messengers and clerks, who shall receive not to exceed three dollars per day for their services for the time actually employed by them, which shall be paid out of the county treasury.

Complaints.

Sec. 5601. Each county and city board of revision shall investigate all such complaints and all complaints against any valuation filed with it as a board, or made by the county auditor, and may increase or decrease any valuation complained of and no others. Such boards in all respects shall be governed by the laws governing the valuing of real property, and shall make no change in any valuation complained of except in accordance with such laws. A board of revision shall not increase or reduce the aggregate valuation of the real property of a county or city as fixed by the tax commission of Ohio. No valuation, as fixed by the tax commission of Ohio, shall be increased by a board of revision, in any case, except upon reasonable notice as prescribed by this chapter, to all persons directly interested and an opportunity for a full hearing. The auditor of the county shall correct the tax duplicate according to the deductions and additions ordered by the board of revision, in the manner provided by law for making corrections thereof.

Powers and duties of board.

Board of review.

Sec. 5622. The board of review may employ a chief clerk, and appoint such other clerks, not exceeding six, and such messengers, not exceeding six, as it may deem necessary, and fix their compensation, which shall be paid out of the county treasury upon the order of such board, and the warrant of the county auditor. Such incidental expenses, as the board deems necessary, shall be paid out of the county treasury in like manner. When sitting as a board of equalization of the real property within such municipality or as a

board of revision thereof, the board of review may employ, in addition to the chief clerk and other clerks, provided for in this section, such additional number of clerks, as it may deem necessary, and fix their compensation, which, together with such incidental expenses as the board, acting in such capacities, deems necessary, shall be paid out of the county treasury upon the order of such board and the warrant of the county auditor.

Powers and duties.

Sec. 5624. Boards of review, within and for their respective municipalities, shall have all the powers and perform all the duties, provided by law, for all other municipal boards of equalization and revision. They may hear complaints and equalize the valuations of real and personal property, moneys and credits within their respective municipalities. Upon the apointment of a board of review in a municipality all other boards of equalization and revision therein shall be abolished. At the conclusion of the quadrennial appraisement of real property in such municipal corporation the board of review therein shall sit as a board for the equalization of the value of such real property. Boards of review, within their respective municipalities, shall sit as boards of revision, when notified by the auditor of the county to meet for that purpose, and shall have the same powers and be governed by the same rules, as provided in this chapter, with respect to county boards of equalization sitting as boards of revision.

Powers and duties.

Sec. 5601-1. The quadrennial county board of equalization, sitting as a board of equalization or as a board of revision, may call persons before it and examine them, under oath, as to their own or other's property. The president or presiding officer pro tem. of the board may administer oaths. If a person notified to appear before the board refuses or neglects to appear at the time required, or appearing, refuses to be sworn, or answer any question put to him by the board, or by its order, the presiding officer of the board shall make complaint thereof, in writing, to the probate judge of the county, who shall proceed against such person in like manner as is provided for in the last subdivision of chapter three of this title.

SECTION 2. That said original sections 5594, 5595, 5596, 5597, 5601, 5622 and 5624 of the General Code, are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 1st, 1911.

JUDSON HARMON,
Governor.
129

[Senate Bill No. 83.]

AN ACT

To amend sections 10606, 10609, 10618, 10638, 10639, 10668, 10685, 10688, 10705, 10712, 10713, 10736, 10737, 10740, 10741, 10746, 10747, 10748, 10753, 10754, 10755, 10760, 10762, 10820, 10821, 10842, 10886, 10897, 10898, 10899, 10912 and 10913 of the general code, relating to the administration of decedents' estates, and to repeal sections 10756 and 10761 of the general code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 10606, 10609, 10618, 10638, 10639, 10668, 10685, 10688, 10705, 10712, 10713, 10736, 10737, 10740, 10741, 10746, 10747, 10753, 10754, 10755, 10760, 10762, 10820, 10821, 10842, 10886, 10897, 10898, 10899, 10912 and 10913 of the general code be amended to read as follows:

Bond.

Sec. 10606. Every executor before entering upon the execution of his trust, must give bond, with two or more sufficient sureties, in such sum as the court orders, payable to the state with conditions as follows:

Conditions.

1. To make and return to the court, on oath, within thirty days, a true inventory of all the moneys, goods, chattels, rights, and credits of the testator which are by law to be administered, and which come to his possession or knowledge; and, also if required by the court, an inventory of the real estate of the deceased;

2. To administer according to law, and the will of the testator, all his goods, chattels, rights and credits, and the proceeds of all his real estate, sold for the payment of debts, or legacies, which comes to the possession of the executor, or to the possession of any other person for him;

3. To render upon oath, a just and true account of his administration within twelve months and at other times when required by the court or the law. Failing to do so for thirty days after he has been notified of the expiration of the time by the probate judge, he may forthwith be removed by the court and he shall receive no allowance for services, unless the court enters upon its journal that such delay was necessary and reasonable.

Non-liability for payment of legacies after 18 months.

Sec. 10609. The executor shall not be liable for legacies paid to legatees other than himself, after eighteen months from the probating of the will, and before an action to set aside has been commenced. The legatee, however, shall be liable to repay the legacy and interest thereon if the will be set aside.

Bond.

Sec. 10618. Before entering on the execution of his trust, every administrator shall give bond with two or more sufficient sureties, in such sum as the court orders, payable to the state, with conditions as follows:

1. To make and return into court on oath, within thirty days, a true inventory of all moneys, goods, chattels,

rights and credits of the deceased, which have or may come to his possesion, or knowledge, and, if required by the court, an inventory of the decedent's real estate; Conditions.

2. To administer according to law all the moneys, goods, chattels, rights and credits of the deceased, and the proceeds of all his real estate sold for payment of his debts, which come to the possession of the administrator or to the possession of any person for him;

3. Upon oath to render a true account of his administration, within twelve months, and at other times when required by the court or the law. Failing so to do for thirty days after he has been notified by the probate judge of the expiration of the time, he may forthwith be removed by the court and he shall receive no allowance for services, unless the court enters upon its journal that such delay was necessary and reasonable.

4. To pay any balance remaining in his hands, upon the settlement of his accounts, to such persons as the court or the law directs;

5. To deliver the letters of administration into court in case a will of the deceased be thereafter duly proved and allowed.

Sec. 10638. Within thirty days after his appointment, every executor and administrator, and administrator de bonis non shall make and return upon oath, into court, a true inventory of the goods, chattels, moneys, rights and credits of the deceased, by law to be administered, and which have come to his possession or knowledge; except that if their probable value be less than five hundred dollars, the court may direct it to be omitted. If his predecessors have so done, an administrator de bonis non shall not be required to return and file an inventory, unless, in the opinion of the probate court, it is necessary. Inventory.

Sec. 10639. Within six months after the return of an inventory a person interested in the estate may file exceptions to it. Thereupon, the court shall set a day for their hearing, and cause written notice of such filing and of the time for the hearing to be given to the executor or administrator, not less than five days before that time. For good cause the hearing may be continued for such time as the court deems reasonable. At the hearing the executor or administrator, and any witness may be examined under oath. The court must enter its finding on the journal and tax the costs as may be equitable. Exceptions.

Sec. 10668. If an executor or administrator neglects or refuses to return such inventory within thirty days after his appointment, the probate court shall issue an order requiring him, at an early day therein named to return an inventory according to law.

Sec. 10685. If from the situation of the assets belonging to the estate, more than twelve months from the date of the administration bond is required for their collection, upon motion, and being satisfied thereof by the affidavit of

Extension of time.

the executor or administrator, the court may extend the time for that purpose.

Limitation.

Sec. 10688. Not more than six months from the date of the application shall be granted by the court at one time, for collecting assets of the estate; nor the time therefor be extended beyond three years from the date of the administration bond.

Credit.

Sec. 10705. In all sales of personal property when the amount bought exceeds three dollars, a credit shall be given by the executor or administrator, of not less than three and not more than six months, unless otherwise ordered by the court.

Notice of appointment.

Sec. 10712. Within one month after bond has been given by the executor, or administrator, for the discharge of his trust, the probate judge shall cause notice of the appointment to be published in some newspaper of general circulation in the county, in which the letters were issued, for three consecutive weeks.

Affidavit of publication.

Sec. 10713. An affidavit of the publisher or agent of the newspaper making such publication made, filed and recorded, together with a copy of the notice, in the probate court, within six months after bond has been given, shall be admitted as evidence of the time, place and manner in which notice was given.

Execution.

Sec. 10736. No execution shall issue upon a judgment against an executor or administrator, unless upon the order of the court which appointed him, or unless the twelve months allowed by law, or the further time allowed by the court for the collection of the assets of the estate, have expired. If an account has been rendered, and settled by the court, execution shall issue only for the sum that appeared, on the settlement of such account, to have been a just proportion of the assets applicable to the judgment.

Costs in suits against estates.

Demand within six months.

Sec. 10737. In suits against the estate for the recovery of money only, or of specific personal property, in which no provision is made herein in relation to costs, no costs shall be recovered against the executor or administrator, to be levied of his property or of the property of the deceased, unless it appears that the demand on which the action is founded, was presented within six months after his giving bond for the discharge of his trust, that its payment was unreasonably resisted or neglected, or that the defendant refused to refer it pursuant to the preceding provisions. In such cases the court may direct such costs to be levied of the property of the defendant, or of the deceased, as are just, having reference to the facts appearing on the trial.

Commencement of actions against estates.

Sec. 10740. No executor or administrator shall be liable to the suit of a creditor of the deceased until after the expiration of twelve months from the date of his administration bond, or the further time allowed by the court for the collection of the assets of the estate, unless it be for the recovery of a demand that would not be affected by the insolvency of the estate; or be brought after the estate has

been represented insolvent, for the purpose of ascertaining a claim that is contested; or the claim that has been exhibited to the executor or administrator and disputed or rejected by him.

Sec. 10741. If an executor or administrator, notice of whose appointment has been given as provided in this chapter, does not, within six months thereafter have notice of demands against the estate, which will authorize him to represent it insolvent, after the expiration of such six months, he may proceed to pay the debts due from the estate. He shall not become personally liable to any other creditor in consequence of such payments made before notice of his demand, although the remaining estate be insufficient to satisfy such creditor.

Payment of debts.

Sec. 10746. No executor or administrator, shall be held to answer to the suit of any creditor of the deceased unless it be commenced within eighteen months from the time of his giving bond except as hereinafter provided. A creditor whose cause of action accrues after the expiration of eighteen months from the time the executor or administrator gave bond according to law, and before such estate is fully administered, may begin and prosecute such action within six months after the accruing of such cause and before the estate is fully administered. No cause of action against an executor or administrator shall be barred, by lapse of time, until the expiration of six months from the time it accrues.

Limitation of commencement of actions.

Sec. 10747. When assets come to the hands of an executor or administrator, after the expiration of such eighteen months he must account for and apply them in like manner as if they had been received within eighteen months. He shall be liable to an action, and to be proceeded against on account of such assets, by or for the benefit of any creditor in like manner as if they had been received within the eighteen months; but such action or proceeding must be commenced within six months after the creditor has notice of the receipt of such new assets, and not more than eighteen months after they actually are received.

Application of assets after 18 months.

Sec. 10748. A creditor whose right of action does not accrue within eighteen months after the date of the administration bond may present his claim to the court from which the letters issued, at any time before the estate is fully administered. If, on examination thereof, it appears to the court that the claim is justly due from the estate, by consent of the creditor and executor or administrator, it may order the claim to be discharged, as if due after discounting interest, or that the executor or administrator retain in his hands sufficient to satisfy it. If an heir of the deceased, or devisee, or others interested in the estate, offers to give bond to the alleged creditor, with sufficient surety or sureties for the payment of the demand, in case it be proved to be due from the estate, the court may order such bond to be taken, instead of ordering the claim to be dis-

Accrued action after 18 months.

charged, or requiring the executor or administrator to retain assets as aforesaid.

Resignation, death and removal; effect of.

Sec. 10753. When an executor or administrator dies, resigns, is removed or his letters are revoked, or his powers have ceased, without having fully administered the goods and estate of the deceased, and a new administrator of the same estate is appointed, the time allowed to creditors for bringing their actions shall be enlarged as follows: To so much of the eighteen months provided for the limitation of the action as expired while the former executor or administrator continued in office, must be added so much time after the appointment of the new administrator as will make two years in all.

Sec. 10754. The new administrator shall not be held to answer to the suit of a creditor, commenced after the expiration of such two years, except as provided in the following sections.

New administrator.

Sec. 10755. In all cases such new administrator shall be liable to the actions of the creditors for the space of one year after he gives bond for the discharge of his trust, although the whole time allowed to the creditors be thereby extended beyond such two years.

Notice; effect of neglect or failure to give.

Sec. 10760. If notice be not given of the appointment of an executor or of an original administrator or administrator de bonis non, within the one month prescribed for that purpose, or the evidence thereof be not perpetuated as hereinbefore provided, and cannot be made, on the petition of the executor or administrator the court may order such notice to be given at any time afterward, in which case such eighteen months and other periods of time, limited for the commencement of actions against executors and administrators, and for other purposes, and which begin to run from the date of the administration bond, shall begin to run respectively from the time such order of court is made, if notice be published in accordance therewith.

Payment of legacy within 18 months.

Sec. 10762. When within eighteen months after having given bond for the discharge of his trust, an executor or administrator is required by any legatee or next of kin, to make payment in whole or part, of his legacy or distributive share, if it deems fit, the court may require that the legatee or the next of kin first give bond to the executor or administrator, with surety or sureties approved by the court, conditioned to refund the amount so to be paid, or as much of it as may be necessary to satisfy demands that afterward may be recovered against the estate, and to indemnify the executor or administrator against loss and damage on account of such payment.

Account.

Sec. 10820. Within twelve months after his appointment, every executor or administrator shall render his account of his administration upon oath, and in like manner render such further accounts thereof every twelve months thereafter, and at such other times as the court requires, until the estate is wholly settled. He may be examined on oath on any matter relating to his accounts and the pay-

ments therein mentioned, and also touching any property or effects of the deceased, which came to his hands.

Sec. 10821. Every executor, administrator with the will annexed, or testamentary trustee who does not make a final settlement of the decedent's estate within such twelve months, and carries the administration of his trust from year to year thereafter, whenever he renders such account above mentioned, on oath to such court, as a part thereof, shall make a full, itemized statement of all the funds of the decedent's estate under his control, the date and nature of their investment, the security therefor, and the rate of interest or income accruing thereon, and shall at such time exhibit to the court, for its examination, the security or securities he may have for said funds. Settlement.

Sec. 10842. When an executor or administrator has paid over or delivered the money or other property in his hands to the persons entitled thereto as required by the order of distribution, or otherwise, he shall perpetuate the evidence thereof by presenting to the court, within six months after such order was made, an account of such payments or the delivery over of such property; which, being proved to the satisfaction of the court, and verified by the oath of the party, shall be allowed as his final discharge, and ordered to be recorded. Such discharge shall forever exonerate the party and his sureties from liability under such order, unless his account be impeached for fraud or manifest error. Distribution. Discharge.

Sec. 10886. After the appointment of the commissioners, three months shall be allowed to creditors to present and prove their claims. The court may allow such further time for this purpose, not to exceed one year from the date of the commission, as it thinks necessary. At the expiration of the time for proof of debts, the commissioners must make their written report to the court. Proof of claims.

Sec. 10897. In such case, immediately after the court declares the estate probably insolvent, the administrator or executor shall give notice to creditors of its insolvency and to present their claims to him within three months for allowance, by causing notification to be posted in public places in the township in which the deceased last dwelt, or in such other manner as having regard to the situation of the creditors of the estate, the court orders. Insolvent. Notice to creditors.

Sec. 10898. The notice mentioned in the next preceding section in substance may be as follows:

On the ..... day of ....., in the year ....., the probate court of ..... county, declared the estate of ..... deceased to be probably insolvent. Creditors, therefore, are required to present their claims against the estate to the undersigned for the allowance within three months from the time above mentioned, or they will not be entitled to payment.

Signed: .....

Executors or administrators, etc.

Date: .....

Time of presentation of claims.

Sec. 10899. After the court declares the estate probably insolvent, three months must be allowed the creditors, to present their claims to the executors or administrators. Further time may be granted therefor, in like manner as when commissioners are appointed to receive and audit claims. After the expiration of such period, the executor or administrator shall file the list of the claims hereinbefore mentioned.

Sec. 10912. At the end of two years after granting letters testamentary, or of administration, if it is not ascertained whether an estate represented insolvent, is or is not so in fact, any creditor whose claim was not presented before the commissioners, or to the executor or administrator acting in their place, may commence an action for it against the executor or administrator, which may be continued for the defendant until it appears whether the estate is insolvent. If it should not prove to be so the plaintiff may prosecute his action as if no such representation had been made.

Proceedings on neglect or failure to render and settle accounts.

Sec. 10913. If an executor or administrator neglects to render and settle his accounts in court, within three months after the return is made by the commissioners, or by the executor or administrator, in their place, or after the final liquidation of the demands of the creditors, or within such further time as the court allows in which to collect the debts and assets, so as to delay an order of distribution, he may be compelled to render such account, in the manner hereinbefore directed, to compel the return of an inventory. The same proceedings may be had to attach and to discharge him, and the like revocation of the letters to him be made as in case of a party absconding or concealing himself, so that no order can be personally served, or of his neglecting to render an account within thirty days after being committed. New letters shall be granted with the like effect, and remedies on the administration bond, as in those cases.

SECTION 2. This act shall not apply to actions already commenced nor to causes of action nor to cases wherein the right of action has already accrued, but the laws in force when the action was commenced or when the cause or right of action accrued, shall be applicable in such cases.

SECTION 3. That sections 10606, 10609, 10618, 10638, 10639, 10668, 10685, 10688, 10705, 10712, 10713, 10736, 10737, 10740, 10741, 10746, 10747, 10748, 10753, 10754, 10755, 10760, 10762, 10820, 10821, 10842, 10886, 10897, 10898, 10899, 10912 and 10913 of the general code be, and the same are hereby repealed.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.
Approved May 29th, 1911.

JUDSON HARMON,
Governor.

130

[Senate Bill No. 140.]

AN ACT

To establish a reformatory for women and to provide for the management thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be established an institution to be known as the Ohio Reformatory for women.

Section 2148-1. Ohio reformatory inmates.

SECTION 2. The Ohio reformatory for women shall be used for the detention of all females over sixteen years of age, convicted of a felony, misdemeanor, or delinquency as hereinafter provided, and for the detention of such female prisoners as shall be transferred thereto from the Ohio penitentiary and the girls' industrial home as hereinafter provided.

Commission for selection of site and erection of buildings.

SECTION 3. A commission composed of the governor, secretary of state, auditor of state, and secretary of the board of state charities is hereby created to be known as the board of commissioners for the selection of a site for and the erection of, the Ohio reformatory for women, and the board is hereby authorized and directed to select a suitable site for the location of said reformatory.

Authority to purchase site.

SECTION 4. The board is hereby directed to select and purchase on behalf of the state not more than three hundred acres of land in this state suitable for the location of a reformatory; said board may, in the name of the state, secure options on not more than five hundred acres of suitable land adjoining that purchased, and to be subject to purchase within four years. When such lands are purchased by the board the title thereto shall be examined by the attorney general and approved by him before the auditor of state shall issue his warrant to the treasurer of state for any payment therefor; and all deeds for said land shall be executed to the state of Ohio and recorded in the county where said lands are located. In the acquirement and purchase of land the board shall have lawful authority to appropriate the same in the manner described in sections 1807, 1808 and 1809 of the general code.

Examination of title.

Power to appropriate.

Plans, estimates, cost, contracts, etc.

SECTION 5. When the board herein provided for shall have selected a site for a reformatory for women it shall adopt plans and specifications, prepare estimates of its cost and let contracts for, and cause to be constructed on said lands all necessary buildings and structures for said reformatory, and place the same in readiness for use.

Classification and separation of inmates.

In the preparation of plans and the erection and construction of buildings, the board shall arrange that all buildings shall be constructed as to provide for the proper classification and separation of the different classes of inmates who shall be confined in the reformatory. The board is also directed to purchase and provide all equipment, fixtures, and furniture for all buildings and structures, and to make such contracts and employ other agents and em-

ployes as it deems proper and necessary to carry into effect the provisions of this act. The members of the board shall

Expenses

be allowed their traveling and other necessary expenses incurred in the discharge of their duties, and the accounts of expenditures of the board when certified to by the president and secretary thereof, shall be audited and allowed by the auditor of state.

Organization of board.

SECTION 6. The members of the board shall organize by electing one of their number president and one of their number secretary. They may make such rules and regulations governing the board as they deem proper and a majority of the members thereof shall constitute a quorum for the transaction of business.

SECTION 7. The board, in the erection of all buildings herein provided for shall be governed in all respects by the provisions of law relating to the erection of public

Shall not contract until appropriation made.

buildings, but shall not enter into any contract for the erection of any buildings until the money therefor has been appropriated by the General Assembly; provided that the board may arrange with any state penal institution to prepare such building material as can be satisfactorily done thereat.

Section 2148-2.

SECTION 8. When he deems it advisable, with the advice and consent of the senate, the governor shall appoint a

Trustees appointed by governor.

board of trustees of the Ohio reformatory for women to consist of four members, no three of which shall be of the same political party, appointed for one, two three and four years respectively from the date of appointment, and thereafter one member shall be appointed annually for a term

Vacancies.

of four years; and all vacancies occurring in such board shall be filled by appointment by the governor in like manner. The control and management of the reformatory shall be vested in such board of trustees in accordance with the general provisions of law relating to state institutions. And the general laws relating to such institutions shall govern said board insofar as applicable, except as herein

Superintendent not selected by board.

provided, and except such board shall not be required to select and appoint a superintendent for said institution.

Section 2148-3.

SECTION 9. The trustees may receive their necessary

Expenses paid on filing verified itemized statement.

traveling expenses, for attendance and meetings of the board, payable from appropriations made for the maintenance of the institution, but no expense or any account shall be paid to a trustee until he has filed an itemized statement thereof, properly sworn to by him.

Section 2148-4.

Rules.

SECTION 10. The board of trustees may make such rules and regulations governing the reformatory, the employes, persons designated to manage the same, and persons confined therein as they may deem necessary.

Chief matron.

The board of trustees shall select and designate a chief matron to manage the institution and promote the welfare of the inmates thereof. An assistant matron, a physician and chaplain, teachers and other needed employes shall be selected by said matron, provided that no person shall be

selected until the board of trustees have authorized the same and fixed the salary or compensation. Insofar as practicable, the employes of said institution shall be women and all of said employes shall be subject at any time to removal by said chief matron.

Women employes.

Said chief matron shall appoint a financial officer, who shall also be clerk of the reformatory, and it shall be the duty of such financial officer to keep the accounts of said institution, and make a report thereof to the board of trustees at their regular meetings.

Matron shall appoint financial officer.

Section 2148-5. SECTION 11. As soon as the governor shall be satisfied that the buildings so to be erected are ready for use and for the reception of inmates, he shall issue a proclamation, to that effect attested by the secretary of state, and the secretary of state shall furnish printed copies of such proclamation to the county clerks of courts and to other judges and magistrates having authority to commit to said institution and from the date of said proclamation all portions of this act relating to the commitment of persons in said reformatory shall be in full force and effect.

Proclamation by governor, attested by secretary of state.

All female persons convicted of felony, except murder in the first degree, without the benefit of recommendation of mercy, shall be sentenced to the Ohio reformatory for women in the same manner as male persons are now sentenced to the Ohio state reformatory. And insofar as applicable, the laws relating to the management of the Ohio state reformatory and the control and management thereof, shall apply to the Ohio reformatory for women.

Who shall be sentenced to institution.

Section 2148-6. SECTION 12. Female persons over sixteen years of age found guilty of a misdemeanor by any court of this state shall be sentenced to the Ohio reformatory for women and be subject to the control of the board of trustees thereof, but all such persons shall be eligible to parole under the provisions of this act.

Age.

Parole.

Section 2148-7. SECTION 13. After the issuance of the proclamation hereinbefore referred to, it shall be unlawful to sentence any female convicted of a felony, misdemeanor or delinquency, to be confined in either the Ohio penitentiary or a jail, workhouse, house of correction, or other correctional or penal institution, except the reformatory herein provided for, the girls' industrial home or other institution for juvenile delinquency, unless such person is over sixteen years of age and has been sentenced for less than thirty days, or is remanded to jail in default of payment of either fine or costs or both, which will cause imprisonment for less than thirty days, provided that this section shall not apply to imprisonment for contempt of court.

Sentence to penitentiary, etc., unlawful; when.

Section 2148-8. SECTION 14. Upon the completion of the Ohio reformatory for women and the issuance of the proclamation hereinbefore provided for, the governor shall issue an order to the warden of the Ohio penitentiary to convey and deliver to the Ohio reformatory for women all females in his legal custody, except any who may be convicted of murder in the first degree, without recommendation for mercy, and at the

Prisoners in penitentiary to be transferred.

same time, said warden shall deliver to the chief matron of said reformatory all papers relating to the commitment of said females. All females so transferred from the Ohio penitentiary to said reformatory shall be entitled to the same legal rights and privileges as to term of sentence, diminution of sentence and parole as if confined in the Ohio penitentiary, and the warden of the Ohio penitentiary shall also furnish complete information concerning all females on parole, and such paroled prisoners shall thereupon become subject to the control of the board of trustees of the Ohio reformatory for women.

Rights and privileges.

Admission on written order of governor.

Upon written order of the governor, any inmate of the girls' industrial home, over fourteen years of age, may be transferred to the Ohio reformatory for women, when such inmate appears to be incorrigible, or whose presence in the girls' industrial home seems to be seriously detrimental to the well being of the institution; and such transferred persons shall be entitled to the same privileges, relating to discharge and condition of parole, as they possessed when inmates of the girls' industrial home.

Section 2148-9.

Suspension.

SECTION 15. All provisions of law relating to suspension of sentences of persons sentenced to confinement in the Ohio penitentiary and the Ohio state reformatory shall be applicable to persons sentenced to the Ohio reformatory for women.

General sentences.

Term for felony.

Misdemeanor.

Parole.

Courts imposing sentences to the Ohio reformatory for women shall make them general, and not fixed or limited in their duration. The term of imprisonment of persons shall be terminated by the board of trustees as authorized by this act, but the term of such imprisonment for felony shall not exceed the maximum term nor be less than the minimum term provided by law for the crime for which such person is sentenced. In case of commitments for misdemeanor or delinquency the term of such imprisonment shall not be more than three years, but such person shall be eligible for parole as follows: Persons committed for the first time, after imprisonment for two months; for second time, after four months, for third or greater time, after six months; and provided that they shall be continued upon parole for at least one year before receiving final discharge.

Definite period not void.

If, through oversight or otherwise, a sentence to said reformatory should be for a definite period, it shall not for that reason be void, but the person so sentenced shall receive the benefits and be subject to the liabilities of this act in the same manner as if she had been sentenced in the manner required by law. In such case the board of trustees shall deliver to such person a copy of this act and written information of her relations to them.

Section 2148-10.

Rules.

SECTION 16. The board of trustees shall establish rules and regulations under which persons in the Ohio reformatory for women may be allowed to go on parole in legal custody, under the control of the trustees and subject to be taken back into the inclosure of the reformatory. A person

shall not be eligible to parole and an application for such parole shall not be considered by the board until such prisoner has been recommended as worthy of such consideration by the chief matron and chaplain of the reformatory, provided that no female sentenced to imprisonment for life shall be eligible to parole within five years from admission. Parole.

Where there is a reasonable probability that the prisoner's release or parole will not be incompatible with the welfare of society and the board deem it best, it may grant absolute release to such prisoner. Nothing herein contained, however, shall impair the power of the governor to grant a pardon or commutation in any case. Absolute release. Pardon.

ection 2148-11. SECTION 17. The board may recommend that a prisoner may be pardoned without intervention of the state board of pardons. Such recommendation shall require the votes of all the members of the board present at a regular or special meeting and such pardon shall first be recommended by the chief matron and the chaplain of the reformatory. Recommendation for pardon

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provided by
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IMOTHY S.
HOGAN,
ttorney
General.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 15th, 1911.
Approved May 18th, 1911.

JUDSON HARMON,
Governor.
131

[House Bill No. 146.]

AN ACT

To create a board of administration for the institution of the state named herein and to repeal certain sections of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 1832. SECTION 1. The intent and purpose of this act are to provide humane and scientific treatment and care and the highest attainable degree of individual development for the dependent wards of the state; Establishment of board of administration for state institutions.

To provide for the delinquent such wise conditions of modern education and training as will restore the largest possible portion of them to useful citizenship;

To promote the study of the causes of dependency and delinquency, and of mental, moral and physical defects, with a view to cure and ultimate prevention;

To secure, by uniform and systematic management, the highest attainable degree of economy in the administration of the state institutions consistent with the objects in view;

This act shall be liberally construed to these ends.

Section 1833.

Appointment by governor.

SECTION 2. The governor, by and with the advice of the senate, shall appoint within ninety days after the passage of this act four persons, not more than two of whom shall belong to or be affiliated with the same political party, to be known as "The Ohio Board of Administration," hereinafter designated as "the board."

Qualifications.

They shall be selected so that the board will have, as far as possible, in its membership the advantages arising from special study, knowledge or experience regarding the proper care and treatment to be afforded at institutions of the kinds governed by it, the production, manufacture and purchase of articles required in or by such institutions, the care and cultivation of lands and the general principles and conduct of business management.

Term.

Their terms shall expire, respectively, on the first day of February in the years 1913, 1914, 1915 and 1916. All appointments after the first shall be for four years and all members shall hold office until their successors are appointed and qualified.

Oath; bond.

Each member shall take the oath of office and give a surety bond in the sum of twenty-five thousand dollars, which after approval by the governor shall be filed with the secretary of state. The premium thereon, when approved by the governor, shall be paid out of the funds appropriated for the expenses of the board.

Section 1834.

Removal.

SECTION 3. The governor shall have the power to remove any member for want of moral character, incompetency, neglect or breach of duty, or malfeasance in office, the ground to be stated in writing after reasonable opportunity to the member to be heard thereon. The governor shall on each removal report the same to the senate with his reasons therefor.

Report of removal to senate.

If the senate be not then in session such report shall be filed in the office of the secretary of state and be by him transmitted to the senate within ten days after the beginning of the next session.

Failure to attend is resignation.

Failure on the part of any member to attend three consecutive meetings of the board unless excused by formal vote thereof may be treated by the governor as his resignation.

Section 1835.

Organization.

SECTION 4. Within thirty days after their appointment the members shall meet and organize; the member holding the shortest term shall act as president. They shall appoint a secretary, a fiscal supervisor and such other employes as may be deemed necessary for the efficient conduct of the business, prescribe their titles and duties and fix their compensation, except as otherwise provided herein.

Management and control begins Aug. 15, 1911.

The board shall assume its duties on August 15, 1911, and shall have full power to manage and govern the following institutions:

Institutions.

The Athens State Hospital.
The Cleveland State Hospital.
The Columbus State Hospital.
The Dayton State Hospital.
The Toledo State Hospital.

The Lima State Hospital.
The Massillon State Hospital.
The Ohio Hospital for Epileptics.
The Institution for Feeble-Minded Youth.
which shall be known hereafter as
The Institution for Feeble-Minded.
The State School for the Deaf.
The State School for the Blind.
The Ohio Soldiers' and Sailors' Home.
The Home of the Ohio Soldiers, Sailors, Marines, their Wives, Mothers and Widows and Army Nurses,
to be known hereafter as The Madison Home.
The Boys' Industrial School.
The Girls' Industrial Home.
The Ohio State Reformatory.
The Ohio Penitentiary.
The Ohio State Sanatorium.

Section 1836. SECTION 5. Each member shall receive a salary of five thousand dollars ($5,000) per year, and also his actual traveling expenses incurred in official business, when itemized and approved by the board. The secretary shall receive a salary of three thousand dollars ($3,000) per year, and the fiscal supervisor a salary of four thousand dollars ($4,000) per year, and their actual traveling expenses incurred in official business when itemized and approved by the board. Each member, officer and employe shall devote his entire time and attention to the duties of his position, and failure so to do shall be ground for removal. **Salary.**

Each member shall reside at Columbus while in office. The board shall be provided with suitable offices in the capitol or convenient thereto, and with such office furniture, supplies, books, financial bulletins and appliances as they may deem necessary, the expense thereof to be audited and paid like other state expenses. **Residence of members of board.**

The board shall have an official seal, and every process, order, or other paper issued or executed by it may be attested, by direction of the board, under its seal by the secretary or any member, and when so attested shall be deemed to be duly executed by the board. **Seal.**

Section 1837. SECTION 6. Unless decided to the contrary and the reasons therefor entered of record, the board shall hold at least one regular meeting each week at its office. Special meetings may be held elsewhere upon resolution of the board. At least once in each two months the board shall hold a meeting at the Ohio Penitentiary, the State Reformatory, the Boys' Industrial School and the Girls' Industrial Home to consider paroles of inmates thereof, as provided by statute for such institutions respectively. **Meetings.** **Meetings for consideration of paroles.**

Section 1838. SECTION 7. The board, in addition to the powers expressly conferred, shall have all power and authority necessary for the full and efficient exercise of the executive, administrative and fiscal supervision over all said institutions. **Powers.**

Section 1839.

Title and rights of board.

SECTION 8. The board on its organization shall succeed to and be vested with the title and all rights of the present boards of trustees, boards of managers, and commissions of and for said several institutions in and to land, money or other property, real and personal, held for the benefit of their respective institutions, or for other public use, without further process of law, but in trust for the state of Ohio. Said several boards of trustees, boards of managers, and commissions now charged with duties respecting the institutions above named shall on and after August 15, 1911, have no further legal existence and the board is hereby authorized and directed to assume and continue, as successor thereof, the construction, control and management of said institutions, subject to the provisions of this act.

Section 1840.

May accept and hold devise, grant or bequest.

SECTION 9. The board shall accept and hold on behalf of the state, if deemed for the public interest, any grant, gift, devise or bequest of money or property made to or for the use or benefit of said institutions or any of them, whether directly or in trust, or for any pupil or inmate thereof. The board shall cause each such gift, grant, devise or bequest to be kept as a distinct property or fund, and shall invest the same, if in money, in the manner provided by law; but the board may, in its discretion, deposit in a proper trust company or savings bank any fund so left in trust during a specified life or lives, and shall adopt rules and regulations governing the deposit, transfer or withdrawal of such funds and the income thereof. The board shall, upon the expiration of any trust according to its terms dispose of the funds or property held thereunder in the manner provided in the instrument creating the trust.

Annual report shall contain statement of such funds.

The board shall include in the annual report a statement of all such funds and property and the terms and conditions relating thereto; provided that moneys or property deposited with officers of institutions by relatives, guardians, conservators and friends for the special benefit of any pupil or inmate, shall remain in the hands of such officers for use accordingly; but each such officer shall keep an itemized book account of the receipt and disposition thereof, which book shall be open at all times to the inspection of any member of the board of administration or of the board of state charities.

Deposits, accounts, etc., open to inspection.

Section 1841.

Admission and discharge of inmates and other powers.

SECTION 10. The board shall have power to regulate the admission and discharge of the pupils and inmates in said several institutions, as provided by law, and the powers and duties of the board of state charities under sections 1819, 1820, 1948, 1949, 1950, 1952 and 1956 of the General Code shall cease and thereafter devolve on the board of administration alone from and after August 15, 1911.

Section 1842.

Superintendent.

SECTION 11. Each of said institutions shall be under the executive control and management of a superintendent or other chief officer designated by the title peculiar to the institution, subject to the rules and regulations of the board

and the provisions of this act. Such chief officer shall be appointed by the board to serve for the term of four years unless removed for want of moral character, incompetency, neglect of duty, or malfeasance, after opportunity to be heard. Term.

The chief officer shall have entire executive charge of the institution for which he is appointed, except as otherwise provided herein. He shall select and appoint the necessary employes, but not more than ten per cent. of the total number of officers and employes of any institution shall be appointed from the same county. He shall have power to discharge them for cause, which shall be recorded in a book kept for that purpose, and a report of all appointments and resignations and discharges shall be filed with the board at the close of each month. Appointment of employes. Discharge for cause and report.

For reasons set forth in writing the board may order the discharge of any employe of any institution.

This act shall not be construed as affecting the term of any chief officer which shall be unexpired at the organization of the board; but he shall be subject to removal as hereinbefore provided.

The board after conference with the managing officer of each institution shall determine the number of officers and employes to be appointed therein. It shall from time to time fix the salaries and wages to be paid at the various institutions, which shall be uniform, as far as possible, for like service, provided that the salaries of all officers shall be approved in writing by the governor. Number of employes. Salaries approved by governor.

Section 1843. SECTION 12. The board shall cause to be kept in its office a proper and complete set of books and accounts with each institution, which shall clearly show the nature and amount of every expenditure authorized and made thereat, and contain an account of all appropriations made by the General Assembly and of all other funds, with the disposition thereof. It shall prescribe the form of vouchers, records and methods of keeping accounts at each of the institutions, which shall be as nearly uniform as possible. The board or any member or officer thereof shall have the power to examine the records of each institution at any time. It shall also have the power to authorize its bookkeeper, accountant, or any other employe to examine and check the records, accounts and vouchers or to take an inventory of the property of any institution, or to do whatever may be deemed necessary, and to pay the actual and reasonable expenses incurred in such service upon an itemized account thereof being filed and approved. Books and accounts. Records. Inventory.

Section 1845. SECTION 13. The board may assign among the correctional and penal institutions the industries to be carried on therein, having due regard to the location and convenience thereof with respect to other institutions to be supplied, to the machinery therein and the number and character of inmates. Assignment of industries.

Section 1846. SECTION 14. The board shall fix the prices at which all labor performed and all articles manufactured in said insti- Price of labor.

tutions shall be furnished to the state or the political divisions and public institutions thereof, as is or may be provided by law, which shall be uniform to all and not higher than the usual market prices for like labor and articles.

Section 1847. Classification of institutions and articles to be manufactured.

SECTION 15. The board shall classify public buildings, offices and institutions and determine the kinds, patterns, designs and qualities of articles to be manufactured for use therein which shall be uniform for each class, so far as practicable. Whenever the board shall give written notice to any official or officials having lawful authority to purchase such article or articles that it is prepared to supply them from any institution under its control, such official or officials shall make any needed purchases of said article or articles from such institution unless the chief officer thereof, or the board, having been requested to furnish such article or articles shall give notice in writing that the same cannot be furnished within thirty days from the date of the request. This provision shall not apply to any officer, board or agent of any municipality which maintains an institution that produces or manufactures articles of the kind desired. Any person knowingly violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not to exceed twenty-five dollars for the first offense nor more than one hundred dollars for each subsequent offense.

When institution may purchase from another.

Penalty.

Section 1848. Cultivation of lands and crops raised.

SECTION 16. The board or the several managing officers under its direction, shall determine and direct what lands belonging to said institutions shall be cultivated, the crops to be raised, and the use to be made thereof, with power to distribute the products among the different institutions. It may require such institutions, when they have proper lands and labor, to undertake intensive agriculture, and may rent lands for the production of supplies for any of said institutions which have surplus labor, when it can be done to advantage.

Power to rent.

Purchase of materials and supplies.

It may direct the purchase of any materials, supplies or other articles for any institution subject to its management from any other such institution at the reasonable market value thereof, to be fixed by the board, and payments therefor shall be made as between institutions in the manner provided by law for payment for supplies.

System of accounting.

It may require the bureau of accounting to devise a proper system of accounting for such dealings, as well as for the keeping of its several accounts and transactions.

Section 1849. Competitive bidding in purchase of supplies.

SECTION 17. The board is empowered and required to purchase all supplies needed for the proper support and maintenance of said institutions, by competitive bidding under such rules as the board may adopt. All bids shall be publicly opened on the day and hour and at the place specified in the advertisement. The contract shall be awarded to the lowest responsible bidder, preference shall be given to bidders in localities wherein such institution is located, if the price is fair and reasonable and not greater than the

Award.

usual price; but bids not meeting the specifications shall be rejected. The board may require such security as it may deem proper to accompany the bids and shall fix the security to be given by the contractor. It may reject any or all bids and secure new bids, if for any reason it is deemed for the best interest of the state to do so, but it may authorize the managing officer of any institution to purchase perishable goods and supplies for use in cases of emergency, in which cases the managing officer of the institution requiring the same shall certify such fact in writing and the board shall record the reasons for such purchase.

Security.

May reject bids.

Section 1850. SECTION 18. The state dairy and food commissioner, the state board of health, the Ohio State University and the agricultural experiment station, respectively, shall co-operate with the board and managing officer of each institution in making such tests as are necessary to determine the quality, strength and purity of supplies, or the value and use of farm lands, or condition and needs of mechanical equipment.

Co-operation.

Section 1853. SECTION 19. The board shall make rules for the proper execution of its powers and may require the performance of additional duties by the officers of the several institutions, so as fully to meet the requirements, intents and purposes of this act and particularly those relating to the making of estimates and furnishing proper proof of the use made of all articles furnished or produced thereat. In case of an apparent conflict between the powers conferred by law upon any managing officer and those conferred by this act upon the board, the presumption shall be conclusive in favor of the board.

Rules and regulations.

Section 1854. SECTION 20. The board shall require proper officials of the state and its political divisions and of the institutions thereof, to report estimates for the ensuing year of the amount of supplies required by them, of the kinds which are produced by the state correctional and penal institutions. It may make regulations for such reports and provide the manner in which such estimates shall be made.

Estimates for supplies.

Section 1855. SECTION 21. The board shall require its secretary and fiscal supervisor and each officer and employe of every institution under its control who may be charged with custody or control of any money or property belonging to the state or who is now required by law to give bond, to give a surety company bond, properly conditioned, in a sum to be fixed by the board which when approved by the boards, shall be filed in the office of the secretary of state. The cost of such bonds, when approved by the board, shall be paid from funds available for the board or the respective institutions.

Bond of employes.

Section 1856. SECTION 22. Within thirty days after its organization, the board shall require the managing officer of each said institution to make a complete, minute and accurate inventory of all stock and supplies and other property on hand, with the value thereof, which shall be kept on file in the office of the board.

Inventory within 30 days of each institution.

Section 1857. Employment of architects.

SECTION 23. The board may employ an architect or architects skilled in methods of sanitation and the preparation of plans, specifications, estimates and details for buildings, betterments, and such items of equipment as may be required in any of said institutions, and also employ such mechanical engineers, superintendents and supervisors as it may deem necessary, and fix their titles and compensation which, with all necessary expenses when itemized and approved, shall be paid like other expenses of the board.

Section 1858. Detail inmates to labor.

SECTION 24. The board may detail temporarily from a correctional or penal institution, with the consent of the managing officer thereof, any inmates under its control, to perform specified labor.

Section 1859. Develop and encourage occupations.

SECTION 25. Each managing officer shall develop such occupations as shall promote the mental, moral and physical improvement and happiness of the inmates and the board shall aid and encourage such activities so as best to advance the economical and efficient administration of all the institutions, but without prejudice to the primary needs of suitable education for the inmates.

Section 1860. Record of inmates to be kept by board.

SECTION 26. The board shall keep in its office, accessible only to its members, secretary and proper clerks, except by the consent of the board or the order of the judge of a court of record, a record showing the name, residence, sex, age, nativity, occupation, condition and date of entrance or commitment of every inmate, patient or pupil in the several institutions governed by it, the date, cause and terms of discharge and the condition of such person at the time of leaving, and also all transfers from one institution to another, and, if dead, the date and cause. These and such other facts as the board may from time to time require shall be furnished by the managing officer of each institution within ten days after the commitment, entrance, death or discharge of an inmate, patient or pupil. In case of an accident or injury or peculiar death of an inmate, patient or pupil, the managing officer shall make a special report within twenty-four hours thereafter, giving the circumstances as fully as possible.

Report on accident or death.

Section 1861. Visits by members to institutions once each month.

SECTION 27. Each of said institutions shall be visited at least once each month by a member of the board. Such visits shall be made on such days and at such hours as the visiting member may choose and shall include to the fullest extent necessary for complete knowledge an inspection of every part of the institution. At the next regular meeting the member shall report the result of his visit with such recommendations as he may deem necessary for better management or improvement.

Section 1862. Examination of buildings and grounds by fiscal supervisor.

SECTION 28. Under the supervision and direction of the board the fiscal supervisor shall examine into the condition of all buildings, grounds and other property connected with said institutions, the methods of bookkeeping and storekeeping and all matters relating to its management. He shall study and become familiar with the ad-

vantages and disadvantages of each as to location, freight rates and efficiency of farm and equipment, for the purpose of aiding in the determination of the local and general requirements both for maintenance and improvements.

Section 1863. SECTION 29. For the purpose of proper regulation, recording and auditing the various expenditures of said institutions the managing officers thereof shall prepare and present to the fiscal supervisor in triplicate, not less than fifteen days before the first day of each month, and on forms furnished by the board, a detailed estimate of all supplies, materials, improvements and money needed during each month. The fiscal supervisor shall review such estimates, and in writing advise changes, if any, giving his reasons therefor, and present them to the board. The officer making the estimate may appeal to the board on any change so advised, due notice of which shall be given him. Estimates for periods longer than one month may be made in the same manner by the managing officer for staple articles designated by the board or for other supplies. Each estimate may include a contingent fund of not to exceed three per cent. of the total amount for maintenance for the period of the estimate, for which no detailed account need be given in the estimate, but such fund shall be drawn upon only in due form as herein provided and under the rules of the board. The fiscal supervisor shall return to the managing officer one copy of every estimate with the board's approval or alterations in writing, furnish one copy to the state auditor, and file the third in the office of the board. The state auditor shall ascertain that the estimates so received do not exceed the respective appropriations, and shall draw warrants on the state treasurer monthly for the salary and contingent funds for each institution, which shall be placed in the hands of the managing officer thereof. Itemized payrolls or vouchers for all payments shall be drawn in triplicate. One copy shall be kept on file by the managing officer, one be given to the fiscal supervisor, and one to the state auditor, who shall issue a warrant on the state treasurer thereon. Each voucher shall contain a statement of the managing officer, or some other bonded officer designated by him, certifying that the supplies and materials purchased conform to the contract and samples, and that the improvements or repairs made or special services rendered were fully satisfactory; that the approving officer was in no way financially interested in the transaction to which the same relates, and that he has full knowledge of the value of the purchase or work or services in question; such statement to be made according to forms provided by the board; provided, that payrolls for temporary employments in cases of emergency may be made at any time after the services are performed, but all such payrolls shall be certified by the managing officer in the same manner as other vouchers, who shall also certify that each person named in the payroll actually rendered the services for the time and at the rate charged therein.

Detailed estimate of supplies needed each month.

Estimates for longer period.

Copy of estimate.

Warrants for salaries and contingencies. Duplicate payrolls.

Certified vouchers.

Section 1864.

SECTION 30. The state treasurer shall have charge of all funds under the jurisdiction of the board and shall pay out the same only in accordance with the provisions of this act; provided, that the moneys designated and approved by the board and the state auditor as salary and contingent funds in the monthly estimates shall be placed, not later than the first day of each month, in the hands of the managing officer of each institution, who shall act as treasurer thereof. Moneys in the hands of the officials of the several institutions at the organization of the board shall be transferred forthwith to the state treasurer. Moneys collected from various sources such as the sale of goods, farm products and all miscellaneous articles, shall be transmitted on or before Monday of each week to the state treasurer and a detailed statement of such collections made to the fiscal supervisor by each managing officer; but the receipts from manufacturing industries shall be used and accounted for as provided in section 32 hereof.

Payment.

Money transferred to state treasurer.

Collections transmitted Monday of each week.

Section 1865.

SECTION 31. Each managing officer shall before each session of the General Assembly present to said fiscal supervisor an itemized list of appropriations desired for maintenance, repairs and improvements and special purposes, as he considers necessary for the period of time to be covered by appropriations. The fiscal supervisor shall tabulate such statements and present them to the board of administration with his recommendations. It shall then be the duty of the board to present the needs of the institutions to the General Assembly. For this purpose a per capita allowance for the inmates, patients and pupils of each of the institutions shall be arrived at and a total allowance for maintenance asked for on the basis of actual number and estimated increase. Every special need shall be itemized and the appropriation asked for that specific purpose. The fiscal supervisor and the board shall furnish to the governor and to the General Assembly such information as may be required regarding appropriations requested. It is the intent and meaning of this section that all requests for appropriations for said institutions shall be placed under sole control of the board, and that appropriations for the maintenance and for ordinary repairs and improvements thereof shall be made to the board in single sums to be used for the several institutions according to their varying needs.

List of appropriations for maintenance, etc., filed with fiscal supervisor; when.

Per capita allowance.

Appropriations under control of board.

Hereafter the appropriations for said institutions shall be of three classes:

(1) Maintenance.
(2) Ordinary repairs and improvements.
(3) Specific purposes.

Classes.

Appropriations for specific purposes shall cover all items for construction, extraordinary repairs and purchase of land and shall be used only for the institutions and purposes specified therein.

Section 1866.

SECTION 32. For the purchase of material and machinery used in manufacturing industries, a special appropriation shall be made to be known as the manufacturing fund.

Manufacturing fund.

Receipts from the sales of manufactured articles shall not be turned into the state treasury, but shall be credited to said fund, to be used for the purchase of further materials, machinery and supplies for such industries, and the managing officer shall make a full monthly report of the products, sales, receipts and disbursements of said industries to the state auditor.

Section 1867. Longview hospital.

SECTION 33. The state shall continue to provide for the maintenance of Longview Hospital, and the board in making estimates for the maintenance of the institutions under their control shall include a suitable amount therefor. Out of the moneys appropriated for the maintenance of state institutions, the board shall apportion a proper allowance for said hospital. In all matters relating to the expenditure thereof, the board shall have the same powers as in other like institutions. In all other matters the board of directors of said hospital shall continue to have and exercise the same power and duties now provided by law.

Section 1868. Power of board in investigations. Record.

SECTION 34. The board may make such investigations as it may deem necessary to the performance of its duties and to that end it or any member thereof shall have the same power as a justice of the peace to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers. It shall keep a record of such investigations stating the time, place, charges or subject, witnesses summoned and examined, and its conclusions.

Report of evidence on file at office.

In matters involving the conduct of an officer, a stenographic report of the evidence shall be taken and a copy thereof, with all documents introduced, kept on file at the office.

Witness fees and mileage.

The fees of witnesses for attendance and travel shall be the same as in the court of common pleas, but no officer or employe of the institution under investigation shall be entitled thereto. Any judge of the probate or of the common pleas court, either in term time or in vacation, upon application of any member of the board, may compel the attendance of witnesses, the production of books or papers and the giving of testimony before said board, or before any member of the board, by a judgment for contempt or otherwise, in the same manner as in cases before said courts.

Production of testimony.

Section 1869. Expenses not allowed; when.

SECTION 35. No expenditures for traveling expenses to other states, or for attending an interstate or national convention or association shall be made by any member or employee of the board of administration or by any officer of an institution under its control unless authority is granted at a meeting of the board by resolution stating the purpose and reason therefor; but such resolution shall not be effective without the written approval of the governor.

Section 1870. Report to governor.

SECTION 36. The board shall annually report to the governor its acts, proceedings and conclusions for the fiscal year, giving a complete financial statement of the various institutions under its control. Each report shall state whether the moneys appropriated have been economically

and judiciously expended, whether the objects of the several institutions have been accomplished, whether the laws in relation to them have been fully complied with, and whether all parts of the state are equally benefited by said institutions. It shall be accompanied by the reports of the managing officers and such other information and recommendations as the board may deem proper. It shall make such other reports as the governor may require. The supervisor of public printing shall print for distribution by the board one thousand (1000) copies of the annual report, which shall be bound in cloth.

Section 1871.

SECTION 37. The board shall make rules and regulations for the strictly non-partisan management of the institutions under its control. Any member or employe of the board or any officer or employe of any institution under its control, who, by solicitation or otherwise, shall exert his influence directly or indirectly to induce any other officer or employe of any such institutions to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money or other thing of value to any person for election purposes, shall be removed from his office or position, by the board in case of an officer or employe and by the governor in case of a member of the board. And no member or officer or employe of the board shall recommend or in any other way seek to secure the appointment, employment or promotion of any person at any institution, the intent and purpose of this act being to improve the service and discipline at said institutions by entrusting the same to the managing officers thereof without interference save by the rules, regulations and orders of the board.

Electioneering and contributing money for election purposes prohibited.

Abolishment of boards and commissions.

SECTION 38. On and after August 15, 1911, boards of trustees, boards of managers, and building commissions, as the case may be, of the institutions named in section four hereof shall have no further legal existence except that the aforesaid boards and commissions within five days after said date, shall complete their service by examining and ordering paid all approved liabilities contracted by them. The board shall not be liable on any contracts made by any board or commission after the enactment of this act, except for permanent construction and to supply temporary needs during the interval to August 15, 1911. Full records of all existing contracts shall be submitted to the board by said bodies on their retirement from office. The office of each steward or financial officer of said institutions shall terminate on August 20, 1911.

SECTION 39. To give the board adequate time to prepare the necessary details no part of this act relating to said board shall take effect until August 15, 1911, except sections two, three, four, five, six and seven, but this act shall be in full force and effect from and after said date, when the board shall assume all of its duties. Salaries of the members and necessary employes shall be allowed from the organization of the board and they shall be allowed such

Act shall take effect; when.

expenses as are incurred thereafter in the discharge of their duties, on the approval by the board of itemized accounts therefor.

Lima hospital commissioners exempt from this act, until erection of buildings and ready for occupancy.

SECTION 40. This act shall not apply to the board of commissioners for the erection of the Lima State Hospital, as provided by sections 1984 to 2003 inclusive of the General Code, and said sections 1984 to 2003 inclusive are hereby retained in full force and effect until such time as said Lima State Hospital is ready to be operated, and to receive inmates, as provided by law.

As soon as said Lima State Hospital is in readiness for operation the board of commissioners for the erection of said hospital shall have no further legal existence, and the management of said hospital shall at once vest in the board provided for in this act, and said hospital shall be controlled thereafter by the general provisions of this act.

When said Lima State Hospital is ready for operation, the board of commissioners for the erection of said Lima State Hospital shall complete their services by examining and ordering paid all approved liabilities contracted by them, as provided in section 38 of this act.

SECTION 41. That sections 1824, 1825, 1826, 1827, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1845, 1846, 1847, 1848, 1849, 1850, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1882, 1883, 1890, 1906, 1907, 1908, 1922, 1923, 1926, 1927, 1928, 1929, 1930, 2036, 2052, 2053, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2098, 2104, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2156, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2190, 2191, 2195, 2209, 2255, 2256, 2257, 2258, and 2263 of the General Code be, and the same are hereby repealed, and that all parts of sections inconsistent with the provisions of this act be, and the same are hereby repealed in so far as said inconsistencies exist.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Passed May 11th, 1911.
Approved May 17th, 1911.

JUDSON HARMON,
Governor.

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[H. B. No. 491]

AN ACT

To repeal sections 5446 to 5542-8, inclusive, and 5542-10 to 5542-24, inclusive, of the General Code, as enacted May 10, 1910, (101 Ohio L., 399), relating to the tax commission of Ohio and to further define its powers and duties.

Be it enacted by the General Assembly of the State of Ohio:

Section 1465-1. Appointment.

SECTION 1. Between the first day and the second Monday of February, 1913, and biennially thereafter, the governor shall appoint one member of the tax commission of Ohio for the term of six years from the second Monday of February of such year.

Section 1465-2. Removal.

SECTION 2. The governor shall at any time remove any commissioner for inefficiency, neglect of duty or malfeasance in office.

Section 1465-3. Entire time of officers required.

SECTION 3. Each commissioner and each employe shall devote his entire time to the duties of his office, and shall not hold any position of trust or profit, engage in any occupation or business interfering with or inconsistent with his duty as such commissioner or employe, or serve on or under any committee of any political party.

Section 1465-4. Continuous session. Record of proceedings.

SECTION 4. The commission shall be in continuous session and open for the transaction of business during all the business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public, and sessions of the commission shall stand and be adjourned without further notice thereof on its records. All of the proceedings of the commission shall be shown on its record of proceedings, which shall be a public record, and all voting shall be by calling each member's name by the secretary and each member's vote shall be recorded on the record of proceedings as cast.

Section 1465-5. Oath.

SECTION 5. Before entering upon the duties of his office each commissioner shall take and subscribe the constitutional oath of office and shall swear or affirm that he holds no other office of profit, or any position under any committee of a political party; which oath or affirmation shall be filed in the office of the governor.

Section 2250-1. Salary.

SECTION 6. Each of said commissioners shall receive an annual salary of five thousand dollars, payable in the same manner as salaries of state officers are paid.

Section 1465-6. Quorum. Hearings, decisions, orders, etc.

SECTION 7. A majority of the commission shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission so long as a majority remains. Any investigation, inquiry or hearing which the commission is authorized to hold or undertake may be held or undertaken by or before any one member of the commission. All investigations, inquiries, hearings, and decisions of the commission, and every order made by

a commissioner, when approved and confirmed by the commission, and so shown on its record of proceedings shall be deemed to be the order of the commission.

Section 31-1. SECTION 8. The commission shall have an official seal, with the words "The Tax Commission of Ohio" and such other design as the commission may prescribe engraved thereon, by which it shall authenticate its proceedings and of which the courts shall take judicial notice. **Seal.**

Section1465-7. SECTION 9. The commission shall keep its office in the city of Columbus, and shall provide a suitable room or rooms, necessary office furniture, supplies, books, periodicals and maps. All necessary expenses shall be audited and paid as other expenses are audited and paid. The commission may hold sessions at any place within the state. **Place of office.**

Section 1465-8. SECTION 10. The commission is authorized to employ a secretary, examiners, experts, clerks, accountants, stenographers and other assistants and to fix their compensation. Such employments and compensation therefor shall be first approved by the governor. The commissioners, secretary, experts, clerks, accountants, stenographers and other assistants that may be employed, shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the commission. Such expenses shall be itemized and sworn to by the person who incurred the expense and allowed by the commission. **Secretary, examiners, clerks, etc.** **Expenses.**

Section 1465-9. SECTION 11. Upon the request of the commission the attorney general, or under his direction, the prosecuting attorney of any county, shall aid in any investigation, hearing or trial had under the laws which the commission is required to administer, and to institute and prosecute all necessary actions or proceedings for the enforcement of such laws, and for the punishment of all violations thereof, arising within the county in which he was elected. **Attorney general or prosecuting attorney shall aid in investigations or hearings.**

Section 1465-10. SECTION 12. The commission shall adopt reasonable and proper rules and regulations to govern its proceedings and to regulate the mode and manner of all valuations of real or personal property, apportionments, investigations, inspections and hearings not otherwise specifically provided for. **Rules and regulations.**

Section 1465-11. SECTION 13. The commission may confer and meet with officers of other states and officers of the United States on any matter pertaining to its official duties.

Section 1465-12. SECTION 14. To carry out the purposes of the laws which it is required to administer, the commission, or any commissioner, or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect books, accounts, records and memoranda of any company, firm, corporation, person, association, co-partnership or public utility, subject to the provisions of such laws, and to examine under oath any officer, agent or employe of any such company, firm, corporation, person, association, co-partnership or public utility. Any person, **Inspection of books, records, etc.**

other than one of such commissioners, who shall make such demand, shall produce his authority to make such inspection.

Section 1465-13. SECTION 15. The commission may require, by order or subpoena, to be served on any such company, firm, corporation, person, association, co-partnership or public utility, in the same manner that a summons is served in a civil action in the court of common pleas, the production, within this state, at such time and place as it may designate, of any books, accounts, papers or records kept by it in any office or place within or without the state of Ohio, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction. Any such company, firm, corporation, person, association, co-partnership or public utility, failing or refusing to comply with any such order or subpoena, shall, for each day it so fails or refuses, forfeit and pay into the state treasury a sum of not less than fifty dollars nor more than five hundred dollars.

Power to require production of books, etc., by order or subpoena.

Penalty.

Section 1465-14. SECTION 16. For the purpose of making any investigation with regard to any company, firm, corporation, person, association, co-partnership or public utility, subject to the provisions of the laws which the commission is required to administer, the commission shall have power to appoint, by an order in writing, an agent whose duties shall be prescribed in such order.

Agent.

Section 1465-15. SECTION 17. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted by law to the commission and the same powers as a notary public, with regard to the taking of depositions; and all powers given by law to a notary public relative to depositions are hereby given to such agent.

Powers of agent.

Section 1465-16. SECTION 18. Except in his report to the commission, or when called on to testify in any court or proceeding, any such agent who shall divulge any information acquired by him in respect to the transactions, property or business of any company, firm, corporation, person, association, co-partnership, or public utility, while acting or claiming to act under such order, shall be fined not less than fifty dollars nor more than one hundred dollars, and shall thereafter be disqualified from acting as agent or in any other capacity under the appointment or employment of the commission.

Penalty for disclosure of information.

Section 1465-17. SECTION 19. The commission may conduct any number of such investigations, contemporaneously, through different agents, and may delegate to any agent the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by an agent shall be advisory only, and shall not preclude the taking of further testimony, if the commission so order, nor further investigation.

Decision.

Section 1465-18. SECTION 20. Each company, firm, corporation, person, association, co-partnership or public utility, shall furnish

Returns and answers by firm, company, corporation, etc.

the commission in the form of returns prescribed by it all information required by law and all other facts and information, in addition to the facts and information in this act specifically required to be given, which the commission may require to enable it to carry into effect the provisions of the laws which the commission is required to administer, and shall make specific answers to all questions submitted by the commission.

Section 1465-19. SECTION 21. Any such company, firm, corporation, person, association, co-partnership or public utility, receiving from the commission any blanks with directions to fill them, shall cause them to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall, in writing, give a good and sufficient reason for such failure.

Reason in writing for failure to answer.

Section 1465-20. SECTION 22. The answers to such questions shall be verified under oath by such person or by the president, secretary, superintendent, general manager, principal accounting officer, partner or agent, and returned to the commission at its office, within the period fixed by the commission.

Verification of answers.

Section 1465-21. SECTION 23. Each commissioner, the secretary and every agent provided for in this act, for the purposes therein mentioned, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

Who empowered to administer oath.

Section 1465-22. SECTION 24. In case of disobedience on the part of any person or persons, to comply with an order of the commission or a commissioner, or subpoena, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated before the commission, or its agents, authorized as provided by law, the court of common pleas of the county in which the person resides, or a judge thereof, on application of a commissioner, shall compel obedience by attachment proceedings as for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Proceedings for contempt, for refusal or disobedience.

Section 1465-23. SECTION 25. Each officer who serves a summons or subpoena shall receive the same fees as a sheriff, and each witness who shall appear before the commission, by its order, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of common pleas, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by the chairman of the commission. No witness subpoenaed at the instance of parties other than the commission, shall be entitled to compensation from the state for attendance or travel, unless the commission shall certify that his testimony was material to the matter investigated.

Fees, mileage, etc.

Section 1465-24. SECTION 26. A person who shall appear before the

commission, by its order, with respect to the appraisement of property in any taxing district, shall be allowed and paid out of the treasury of the proper county, if an officer of any such taxing district or a member of any annual or quadrennial county board of equalization or county board of revision, or city board of review, his actual and necessary traveling expenses, such expenses to be itemized and sworn to by the person who incurred the expense; and if other than any such officer or member of any such board, he shall receive for his attendance the fees and mileage provided in the next preceding section. Such traveling expenses and witness fees shall be audited and paid out of the county treasury of the proper county, in the same manner as other expenses are audited and paid, upon the presentation of a certificate from the commission certifying to the fact of such attendance.

Expenses, witness fees, etc.; how paid.

Section 1465-25. Depositions.

SECTION 27. In an investigation the commission, or any party, may cause depositions of witnesses, residing within or without the state, to be taken in the manner prescribed by law for like depositions in civil actions in courts of common pleas.

Section 1465-26. Stenographer's copy of testimony and proceedings shall be received in evidence.

SECTION 28. A transcribed copy of the evidence and proceedings, or any specific part thereof, on any investigation, taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of all the testimony on the investigation, or of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigations so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of the fee therefor, as provided for transcripts in courts of common pleas.

Section 1465-27. Production of testimony.

SECTION 29. No person shall be excused from testifying or from producing accounts, books and papers in any proceedings based upon or growing out of any violation of the provisions of the laws which the commission is required to administer, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to penalty or forfeiture, but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for, or on account of any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; but no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

Section 1465-28.

SECTION 30. The commission shall cause to be prepared suitable blanks for carrying out the purposes of the laws which it is required to administer, and, on applica-

tion, furnish such blanks to each company, firm, corporation, person, association, co-partnership or public utility, subject thereto. Blanks.

The commission, when it deems the same necessary or advisable, may extend to any corporation or public utility a further specified time not to exceed ninety days within which to file any report required by law to be filed with the commission in which event the attaching or taking effect of any penalty for failure to file such report or pay any tax or fee shall be extended or postponed accordingly. Extension of time.

Section 1465-29. SECTION 31. If any company, firm, corporation, person, association, co-partnership or public utility, subject to the provisions of this act, fails or refuses to make out and deliver to the commission any statement required by law, or furnish the commission with any information requested, the commission shall inform itself as best it may on the matters necessary to be known in order to discharge its duties. Other information.

Section 1465-30. SECTION 32. Every order or notice, service of which is required, shall be served upon the person or corporation to be affected thereby, either by personal delivery of a certified copy thereof, or by mailing a certified copy thereof, by registered mail, to the person to be affected thereby, or in case of a corporation, to any officer or agent thereof upon whom a summons may be served. Within the time specified in the order of the commission every person or corporation upon whom it is served, if so required by the order, shall notify the commission, in like manner, whether the terms of the order are accepted and will be obeyed. Service.

Section 1465-31. SECTION 33. No injunction shall issue suspending or staying any order, determination or direction of the commission, or any action of the auditor of state, treasurer of state, or attorney general, required by law to be taken in pursuance of any such order, determination or direction, but nothing herein shall affect any right or defense in any action to collect any tax or penalty. Injunction.

Section 1465-32. SECTION 34. In addition to the other remedies provided for by law for the prevention and punishment of any violation of the laws which it is required to administer, and the orders of the commissions, the provisions of such laws and such orders may upon the application of the commission be enforced by proceedings in mandamus, injunction or other appropriate proceeding. Mandamus.

Section 1465-33. SECTION 35. All powers, duties and privileges imposed and conferred upon any state board, which board was abolished or its powers in whole or in part conferred upon the tax commission of Ohio, by an act of the general assembly, passed May 10, 1910, or any power or duty theretofore conferred upon any state or county officer or board, which power and duty by such act was conferred upon such commission, is hereby imposed and conferred upon the commission created by such act.

Provided further that the auditor of state, treasurer

Board of appraisers and assessors, shall appoint boards of review.

of state, attorney general and secretary of state shall constitute a board of appraisers and assessors with the power to appoint boards of review in municipalities as provided in sections fifty-six hundred and eighteen to fifty-six hundred and twenty-four inclusive of the General Code.

Section 1465-34.

SECTION 36. When called upon by any officer, board or commission, now existing or hereafter created, of the state or any political division thereof, the commission shall furnish any data or informaton to such officer, board or commission, and shall, so far as possible, aid and assist such officer, board or commission in performing the duties of his or its office. All state, county and local officers shall make and forward to the commission, upon its written order, such transcripts of records, or parts thereof and other information on file in their respective offices or in their possession, as are deemed necessary by the commission to properly and effectually carry into operation the provisions of the laws which the commission is required to administer.

Transcript of records for commission.

Section 1465-35.

SECTION 37. Annually, on or before the fifteenth day of December, the commission shall make and deliver to the governor a full report of the operation and execution of all laws which it is required to administer, one thousand copies of which shall be printed in book form for the use of the general assembly and the public. The commission shall report to the governor and general assembly its recommendations of such changes and alterations, as in its opinion, should be made in the tax laws of the state.

Report to governor and general assembly.

Sec. 1435-36.

SECTION 38. The term "commission" or the term "tax commission" when used in this act or in the laws which the commission is required to administer, means the tax commission of Ohio. The term "commissioner" means one of the members of such commission.

Definitions.

Section 5415.

SECTION 39. The term "public utility" as used in this act means and embraces each corporation, company, firm, individual and association, their lessees, trustees, or receivers elected or appointed by any authority whatsoever, and herein referred to as express company, telephone company, telegraph company, sleeping car company, freight line company, equipment company, electric light company, gas company, natural gas company, pipe line company, waterworks company, messenger company, signal company, messenger or signal company, union depot company, water transportation company, heating company, cooling company, street railroad company, railroad company, suburban railroad company, and interurban railroad company, and such term "public utility" shall include any plant or property owned or operated, or both, by any such companies, corporations, firms, individuals or associations.

Section 5416.

SECTION 40. That any person or persons, firm or firms, co-partnership or voluntary association, joint stock association, company or corporation, wherever organized or incorporated:

When engaged in the business of conveying to, from, or through this state, or part thereof, money, packages, gold, silver, plate or other article, by express, not including the ordinary lines of transportation of merchandise and property in this state, is an express company; Definitions.

When engaged in the business of transmitting to, from, through, or in this state, telephonic messages, is a telephone company;

When engaged in the business of transmitting to, from, through, or in this state, telegraphic messages, is a telegraph company;

When engaged in the business of operating cars for the transportation, accommodation, comfort, convenience, or safety of passengers, on or over any railway line or lines, in whole or in part within this state, such line or lines not being owned, leased or operated by such company, whether such cars be termed sleeping, palace, parlor, chair, dining or buffet cars, or by another name, is a sleeping car company;

When engaged in the business of operating cars for the transportation of freight, whether such freight is owned by such company, or any other person or company, over any railway line or lines in whole or part within this state, such line or lines not being owned, leased or operated, by such company, whether such cars be termed box, flat, coal, ore, tank, stock, gondola, furniture or refrigerator cars, or by another name, is a freight line company;

When engaged in the business of furnishing or leasing cars, of whatsoever kind or description, to be used in the operation of any railway line or lines, wholly or partly within this state, such line or lines not being owned, leased or operated, by such company, is an equipment company;

When engaged in the business of supplying electricity for light, heat or power purposes, to consumers within this state, is an electric light company;

When engaged in the business of supplying artificial gas for lighting or heating purposes, to consumers within this state, is a gas company;

When engaged in the business of supplying natural gas for lighting, heating or power purposes, to consumers within this state, is a natural gas company;

When engaged in the business of transporting natural gas or oil through pipes or tubing, either wholly or partially within this state, is a pipe line company;

When engaged in the business of supplying water through pipes or tubing, or in a similar manner to consumers within this state, is a waterworks company;

When engaged in the business of supplying messengers for any purpose is a messenger company;

When engaged in the business of signalling or calling by electrical apparatus, or in a similar manner, for any purpose is a signal company;

When engaged in the business of operating a union

depot or station for railroad, suburban or interurban railroad purposes, is a union depot company;

When engaged in the transportation of passengers or property, by boat or other water craft, over any water way, whether natural or artificial, from one point within this state to another point within this state, or between points within this state and points without this state, is a water transportation company;

When engaged in the business of supplying water, steam or air through pipes or tubing, to consumers within this state, for heating purposes, is a heating company;

When engaged in the business of supplying water, steam or air through pipes or tubing, to consumers within this state, for cooling purposes, is a cooling company;

When engaged in the business of operating a street, suburban or interurban railroad company, wholly or partially within this state, whether cars used in such business are propelled by animals, steam, cable, electricity, or other motive power, is a street, suburban or interurban railroad company;

When engaged in the business of operating a railroad, either wholly or partially within this state, on rights-of-way acquired and held exclusively by such company, or otherwise, is a railroad company.

Section 5417. SECTION 41. The term "gross receipts" shall be held to mean and include the entire receipts for business done by any person or persons, firm or firms, co-partnership or voluntary association, joint stock association, company or corporation, wherever organized or incorporated, from the operation of any public utility, or incidental thereto or in connection therewith. The gross receipts for business done by an incorporated company, engaged in the operation of a public utility, shall be held to mean and include the entire receipts for business done by such company under the exercise of its corporate powers, whether from the operation of the public utility itself or from any other business done whatsoever.

Section 5418. SECTION 42. The term "gross earnings" shall be held to mean and include the entire earnings for business done by any person or persons, firm or firms, co-partnership or voluntary association, joint stock association, company or corporation, wherever organized or incorporated, from the operation of any public utility, or incidental thereto, or in connection therewith. The gross earnings for business done by an incorporated company, engaged in the operation of a public utility, shall be held to mean and include the entire earnings for business done by such company under the exercise of its corporate powers, whether from the operation of the public utility itself or from any other business done whatsoever.

Section 5419. Definitions. SECTION 43. The property owned or operated by a public utility, required to make return to the commission of its property to be assessed for taxation by the commission,

shall be deemed and held to include such utility's plant or plants and all real estate necessary to the daily operations of the public utility and all other property, moneys and credits owned or operated, or both, by it wholly or in part within this state, used in connection with or as incidental to the operation of the public utility, whether the same be held in common or by the individuals operating such public utility. In the case of incorporated companies, all the real estate, personal property, moneys and credits owned and held by such corporation within this state in the exercise of its corporate powers, or as incidental thereto, whether such property, or any portion thereof, is used in connection with such public utility business or not, shall be conclusively deemed and held to be the property of such public utility.

Section 5420. SECTION 44. Each public utility, as defined in this act, except express, telegraph and telephone companies, shall annually, on or before the first day of March, make and deliver to the tax commission of Ohio, in such form as the commission may prescribe, a statement, with respect to such utility's plant or plants and all property owned or operated, or both, by it wholly or in part within this state. **Exceptions.**

Section 5421. SECTION 45. Such statement shall be signed and sworn to under the oath of the person constituting such public utility, if a person or under the oath of the president, secretary, treasurer, superintendent or principal accounting officer or person of such firm, association or corporation, if a firm, association or corporation. **Statement under oath.**

Section 5422. SECTION 46. Such statement shall contain: **Shall contain, what.**

1. The name of the company.

2. The nature of the company, whether a person or persons, firm, association or corporation, and under the laws of what state or country organized.

3. The location of its principal office.

4. The name and postoffice address of the president, secretary, auditor or the principal accounting officer or person, treasurer, and superintendent or general manager.

5. The name and postoffice address of the chief officer or managing agent of the company in this state.

6. The number of shares of the capital stock.

7. The par value and market value, or if there is no market value, the actual value of its shares of stock on the first day of the month of January in which the statement is made; the amount of capital stock subscribed, and the amount thereof, actually paid in.

8. A detailed statement of the real estate owned by the company in this state, where situated, and the value thereof as assessed for taxation, making separate statements of that part used in connection with the daily operations of the company, and that part used otherwise, if any such there be. **Real estate, value and separate statement.**

9. An inventory of the personal property, including moneys, investments and credits, owned by the company, **Personal property inventory and statement.**

in this state, on the first day of the month of January in which the statement is made, where situated, and the value thereof, making separate statements of that part used in connection with the daily operations of the company, and that part used otherwise if any such there be.

Property outside of state.

10. The total value of the real estate owned by the company and situated outside of this state, making separate statements of that part used in connection with the daily operations of the company, and that part used otherwise if any such there be.

11. The total value of the personal property owned by the company and situated outside of this state, making separate statements of that part used in connection with the daily operations of the company, and that part used otherwise if any such there be.

Bonded indebtedness.

12. The total amount of bonded indebtedness and of indebtedness not bonded; the gross receipts for the preceding calendar year from any and all sources, and the gross expenditures for the preceding calendar year.

Statement by street and other railroad companies

13. In the case of street, suburban or interurban railroad companies, and railroad companies, such statements shall also give:

(a) The whole length of their lines and the length of so much of their line as is without and is within this state, including branches in and out of the state, which shall include lines and branches such companies control and use under lease or otherwise.

(b) The railway track in each county in the state, through which it runs; giving the whole number of miles of road in the county, including the track and its branches and side and second tracks, switches, and turnouts therein and the true and actual value per mile of such railway in each county, stating the valuation of main track, second or other main tracks, branches, sidings, switches and turnouts, separately.

(c) Such statement as to character, classes, number, amounts, values, locations, ownership or control and use of rolling stock, as the commission may require.

(d) The depots, station houses, section houses, freight houses, machine and repair shops and machinery therein, and all other buildings, structures and appendages connected thereto or used therewith, including tool houses, and the tools usually kept therein, together with telegraph and telephone lines owned or used, and the true and actual value of all buildings and structures, and all such machinery, tools and appendages, including such telegraph and telephone lines; and the true and actual value thereof in each county in this state in which it is located.

(e) The gross earnings for the year, including earnings from telegraph lines, which shall be stated separately, on the whole length of the road, including the branches thereof, in and out of the state, and also such earnings within this state on way freight and passengers.

Pipe line, gas and other companies.

14. In case of pipe line, gas, natural gas, waterworks and heating or cooling companies, such statement shall also show:

(a) The number of miles of pipe line owned, leased or operated within this state, the size or sizes of the pipe composing such line, and the material of which such pipe is made;

(b) If such pipe line be partly within and partly without this state, the whole number of miles thereof within this state and the whole number of miles without this state, including all branches and connecting lines in and out of this state;

(c) The length, size and true and actual value of such pipe line in each county of this state, including in such valuation the main line, branches and connecting lines, and stating the different value of the pipe separately;

(d) Its pumping stations, machine and repair shops and machinery therein, tanks, storage tanks and all other buildings, structures and appendages connected or used therewith, including telegraph and telephone lines and wires, and the true and actual value of all such stations, shops, tanks, buildings, structures, machinery and appendages and of such telegraph and telephone lines, and the true and actual value thereof in each county in this state in which it is located; and the number and value of all tank cars, tanks, barges, boats and barrels.

Assessment; when made.

Section 5423. SECTION 47. On the second Monday of June of each year, the commission shall ascertain and assess, at its true value in money, all the property in this state of each such public utility, subject to the provisions of this act, other than express, telegraph and telephone companies.

How assessment shall be made.

Section 5424. SECTION 48. In determining the value of the property of each such public utility to be assessed and taxed within the state, the commission shall be guided by the value of the property as determined by the information contained in the sworn statements made by the public utility to the commission and such other evidence and rules as will enable it to arrive at the true value in money of the entire property of such public utility within this state, in the proportion which the value of such property bears to the value of the entire property of such public utility.

Property to be assessed.

Section 5425. SECTION 49. The property of such public utilities to be so assessed by the commission shall be all the property thereof, as defined in section forty-three of this act.

Hearing.

Section 5426. SECTION 50. Before the assessment of such property each of such public utilities shall have the right, upon written application, to appear before the commission and to be heard in the matter of the valuation of its property for taxation.

Section 5427. SECTION 51. Between the date herein fixed for the assessment of the property of any such public utility for taxation by the commission, and the date herein fixed for the certification by it of the apportioned value to the county,

or to the several counties as herein provided, the commission may, on the application of such public utility or any person interested therein, or on its own motion, correct the assessment or valuation of its property in such manner as will in its judgment make the valuation thereof just and equal.

Corrections.

Section 5428. Deductions.

SECTION 52. The commission shall deduct from the total value of the property of each of such public utilities in this state, as assessed by it, the value of the real property owned by such public utilities, if any there be, as otherwise assessed for taxation in this state, and shall justly and equitably equalize the relative values thereof.

Section 5429.

SECTION 53. The commission shall ascertain all of the personal property, roadbed, stations, power houses, poles, wires, water and wood stations and real estate necessary to the daily running operations of the road, moneys and credits of each railroad company and each suburban or interurban railroad company, having any line, or road, or part thereof in this state and the undivided profits, reserved or contingent fund of the company, whether in moneys, credits, or in any manner invested, and the actual value thereof in money, and also locomotives, motors and cars not belonging to the company, but hired for its use or run under its control on its road by a sleeping car company or other company. Such rolling stock not belonging to it, but under its control, may be returned by such public utility separate from its own property, and if so returned the commission shall fix the valuation of such property separately, but must include the amount in the aggregate valuation.

Valuation of railroad properties.

Section 5430.

SECTION 54. The value of such property, moneys and credits of each of such street, suburban and interurban railroad and railroad companies, as found and determined by the commission, shall be apportioned by the commission among the several counties through which the road, or any part thereof, runs, so that to each county and to each taxing district therein, shall be apportioned such part thereof as will equalize the relative value of the real estate, structures and stationary personal property of such company therein, in proportion to the whole value of the real estate, structures and stationary personal property of the company in this state: and so that the rolling stock, main track, roadbed, power houses, poles, wires, supplies, moneys and credits of the company shall be apportioned in like proportion that the length of the road in such county, bears to the entire length thereof in all the counties, and to each city, village and district or part thereof therein..

Apportionment.

Section 5431.

SECTION 55. If the line of such company is divided into separate divisions or branches, so much of the rolling stock thereof as belongs to or is used solely upon such divisions or branches shall be apportioned in like manner to the county, or counties, and to each taxing district therein, through which such branch or division runs. The commis-

sion shall certify to each such county auditor such apportionment.

Section 5445. SECTION 56. When a street, suburban or interurban railroad or railroad company has part of its road in this state and part thereof in another state or states, the commission shall take the entire value of such property, moneys and credits of such public utility so found and determined, in accordance with the provisions of this act, and divide it in the proportion the length of the road in this state bears to the whole length thereof, and determine the principal sum for the value of the road in this state accordingly, equalizing the relative value thereof in this state.

Section 5446. SECTION 57. The commission shall apportion the value of the property of all other public utilities assessed according to the provisions of this act as follows: Apportionment.

(a) When all the property of such public utility is located within the limits of a county, the assessed value thereof shall be apportioned by the commission between the several taxing districts therein, in the proportion which the property located within the taxing district in question, bears to the entire value of the property of such public utility, as ascertained and valued as herein provided, so that, to each taxing district there shall be apportioned such part of the entire valuation as will fairly equalize the relative value of the property therein located, to the whole value thereof.

(b) When the property of such public utility is located in more than one county in this state, the assessed value thereof shall be apportioned by the commission between the several counties and the taxing districts therein, in the proportion which the property located therein, bears to the entire value of the property of such public utility as ascertained and valued, as herein provided, so that to each county and each taxing district therein, there shall be apportioned such part of the entire valuation as will fairly equalize the relative value of the property therein located to the whole value thereof.

(c) When the property of such public utility, required to be assessed by the provisions of this act, is located in more than one state, the assessed value thereof shall be apportioned by the commission in such manner as will fairly and equitably determine the principal sum for the value thereof in this state, and after ascertaining such value it shall be apportioned by the commission, as herein provided.

Section 5447. SECTION 58. On the second Monday of July, the commission shall certify such apportionment to the auditor of each county in which any of the property of the public utility is located. Certified to county auditors.

Section 5448. SECTION 59. The county auditor shall place the apportioned value on the tax list and duplicate and taxes shall be levied and collected thereon, in the same manner and at the same rate, as other personal property in the taxing district in question. Entry on tax duplicate.

Section 5449. Verified statement by express, telephone and telegraph Co's.

SECTION 60. On or before the first day of August, annually, every express, telegraph and telephone company, doing business in this state, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state of such association or corporation, if an association or corporation shall make and file with the commission a statement, in such form as the commission may prescribe.

Section 5450. Contents.

SECTION 61. Such statement shall contain:

1. The name of the company.

2. The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.

3. The location of its principal office.

4. The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager.

5. The name and postoffice address of the chief officer or managing agent of the company in this state.

6. The number of shares of the capital stock.

7. The par value and market value, or if there is no market value, the actual value of its shares of stock on the thirtieth day of the month of June in which the statement is made, the amount of its capital stock subscribed and the amount thereof actually paid in.

8. A detailed statement of the real estate owned by the company in this state, where situated, and the value thereof as assessed for taxation.

9. A full and correct inventory of the personal property, including moneys and credits, owned by the company in this state on the thirtieth day of the month of June in which the statement is made, where situated and the value thereof.

10. The total value of the real estate owned by the company and situated outside of this state.

11. The total value of the personal property owned by the company and situated outside of this state.

12. The total amount of bonded indebtedness and of indebtedness not bonded; the gross receipts from whatever source derived of business wherever done, for the year ending on the thirtieth day of June next preceding; and the total gross expenditures for such year.

13. In the case of telegraph and telephone companies, such statement shall also set forth, the whole length of their lines, and the length of so much of their lines as is without and is within this state, which shall include the lines such telegraph and telephone companies control and use under lease or otherwise and the miles of wire in each taxing district in this state.

What statement shall contain.

14. In the case of telegraph and telephone companies, such statement shall also contain the entire gross receipts, including all sums earned or charged, whether actually re-

ceived or not, for the year ending the thirtieth day of June, from whatever source derived, whether messages, telephone tolls, rentals, or otherwise, for business done within this state, including the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons or associations excluding therefrom all receipts derived wholly from interstate business or business done for the federal government. Such statement shall also contain the total gross receipts of such company, for such period, from business done within this state.

15. In the case of express companies, such statement shall also contain the entire receipts, including all sums earned or charged, whether actually received or not, from whatever source derived, for business done within this state, for the year ending the thirtieth day of June, for and on account of such company, including the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons or associations, excluding therefrom all receipts derived wholly from interstate business or business done for the federal government. Such statement shall also contain the total gross receipts of such company, for such period, from business done within this state.

16. In the case of express companies, the gross receipts for the year ending the thirtieth day of June, from whatever source derived, of each office within this state, giving the name of each office in this state.

17. In the case of express companies, such statement shall also contain the whole length of the lines of rail and water routes, over which the company did business on the thirtieth day of June, and the length of so much of such lines of land and water transportation as is without and within this state, naming the lines within this state.

Section 5451. SECTION 62. On the first Monday in September, of each year, the commission shall ascertain and assess the value of the property of the express, telegraph and telephone companies in this state. Assessment of values.

Section 5452. SECTION 63. In determining the value of the property of such companies in this state, to be taxed within the state and assessed as herein provided, the commission shall be guided by the value of the property as determined by the value of the entire capital stock of the companies, and such other evidence and rules as will enable such commission to arrive at the true value, in money, of the entire property of such companies within this state, in the proportion which such property bears to the entire property of the companies, as determined by the value of the capital stock thereof, and such other evidence and rules. How determined.

Section 5453. SECTION 64. Before the assessment of the property of any express, telegraph or telephone company is determined, any company or person interested shall have the right, on written application to appear before the commission and Hearing.

be heard in the matter of the valuation of the property of any company for taxation.

Section 5454. SECTION 65. Between the date herein fixed for the assessment of the property of any such company for taxation by the commission, and the date herein fixed for the certification by the commission of the apportioned valuation to the several counties, the commission may, on the application of any interested person or company, or on its own motion, correct the assessment or valuation of the property of any such company, in such manner as will, in its judgment, make the valuation thereof just and equal.

Corrections.

Section 5455. SECTION 66. The commission shall deduct from the total value of the property of each express, telegraph and telephone company in this state, the value, as assessed for taxation of any real estate situated within this state and owned by such company.

Deductions.

Section 5456. SECTION 67. The value of the property of telegraph and telephone companies of this state, after deducting the value of the real estate, shall be apportioned by the commission among the several counties through or into which the lines of such telegraph or telephone companies run, so that to each county shall be apportioned such part of the entire valuation as will equalize the relative value of the property of the company therein, in proportion to the whole value of the property of the company in the state, and in the proportion that the length of the lines of wire owned by the company in the county, bears to the whole length of the lines of wire in all the counties in the state, and to each city, village and taxing district, or part thereof, therein.

Apportionment.

Section 5457. SECTION 68. The value of the property of express companies shall be apportioned by the commission among the several counties in which the company does business, in the proportion that the gross receipts in each county, bear to the entire gross receipts in all the counties in the state, and to each city, village and taxing district, or part thereof, therein.

Section 5458. SECTION 69. On the third Monday of September, the commission shall certify to the county auditor the amount apportioned to his county and to each city, village, township or other taxing district therein.

Certified to county auditors.

Section 5459. SECTION 70. The county auditor shall place the apportioned valuation on the tax list and duplicate, and taxes shall be levied and collected thereon, at the same rate and in the same manner, as taxes are levied and collected on other personal property in the taxing district in question.

Section 5460. SECTION 71. Public utilities shall not be required to make returns under, nor be governed by the provisions of sections fifty-four hundred and four, fifty-four hundred and five and fifty-four hundred and six of the General Code.

Section 5461. SECTION 72. When a public utility or corporation fails to make any report or furnish any statement, which it is required to make or furnish, to the commission, or makes a return or statement of a portion only of the gross re-

How valuations determined on failure of report or statement.

ceipts or gross earnings, which it is required by law to make or return, and fails to make return or statement of the remainder, or fails to report a part or all of its taxable property, or report the same, or part thereof, according to its true value in money, the commission shall ascertain, as nearly as practicable, the gross receipts or gross earnings, or omitted portion of the same, or taxable property, or omitted part of the same, or such as was not reported according to its true value in money, that should have been reported or returned by such public utility or corporation, and certify such gross recipts or gross earnings, or the value of such property, so ascertained, as required in this act, with respect to its gross receipts, gross earnings and property of public utilities and corporations. When a domestic corporation makes a report of a portion only of its subscribed or issued and outstanding capital stock, the commission shall ascertain, as nearly as practicable, the omitted portion thereof, that should have been reported by such corporation, and certify such additional amount, as required in this act, with respect to the certification of the subscribed or issued and outstanding capital stock of domestic corporations. When a foreign corporation makes a report to the commission of a portion only of the property owned and used or business done by it in this state, or makes a report of a fictitious or excessive amount of property owned and used or business done by it outside of this state, or makes a report of a portion only of its total authorized capital stock, which it is required by law to make, the commission shall ascertain, as nearly as practicable, the total amount of property owned and used and business done by such foreign corporation in this state, and the total amount of property owned and used and business done by such foreign corporation outside of this state, and the proportion of the total authorized capital stock of such corporation, represented by property owned and used and business done in this state, and certify such corrected amount, or the difference between such corrected amount and the amount that may have previously been certified, as required in this act, with respect to the certification of the proportion of the authorized capital stock of foreign corporations, represented by property owned and used and business done by such corporations in this state. When a sleeping car, freight line or equipment company fails to make any report or statement, which it is required to make or furnish, to the commission, or makes a return or statement of a portion only of its total authorized capital stock, or of the value of its shares of stock, or of its real estate owned either within or without this state, or of the number and value of the cars owned or leased by it and the daily average number of cars operated in this state, or the length of the lines of railway over which the company runs its cars within this state, or makes a return or statement of a fictitious or excessive length of lines of railway over which the company runs its cars without this state, the

Domestic corporations.

Foreign corporations.

Sleeping car or freight line.

commission shall ascertain, as nearly as practicable, the amount of the capital and property of any such company owned and used in this state, and the amount of capital and property of such company owned and used outside of this state, and the proportion of the capital stock of any such company representing capital and property thereof owned and used in this state, as provided in this act, and shall certify such amount so ascertained, as required in this act, with respect to the certification of the amount and value of the proportion of the capital stock of such companies representing capital and property owned and used by them in this state. The power and duty of the commission, above provided for, shall extend to preceding years in such manner as that the commission shall, for such year or years preceding the year in which the inquiries are made, and omissions ascertained, certify such omitted amounts, so ascertained, as required in this act, with respect to such companies, in which event such omitted amounts shall be taxed at the rate of taxation belonging to the year or years in which the failure or omission occurred, in the case of property, and in all other cases the amount of the tax or fee upon such omitted amounts shall be calculated upon the amount so ascertained by the commission, at the rate provided by law, for such year or years: provided, however, that the power and duty of the commission with respect to property shall extend only to the five years next preceding the year in which such inquiries and corrections are made, and not in any event prior to the year 1911, except where no property of a company has been returned or assessed in any such year or years.

Power extends to preceding years.

Section 5462.

SECTION 73. Annually, between the first and thirty-first days of May, every sleeping car, freight line and equipment company, doing business or owning cars which are operated in this state, shall under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state of such association or corporation, if an association or corporation, make and file with the commission a statement in such form as the commission may prescribe.

Verified statement.

Section 5463.

SECTION 74. Such statement shall contain:

Statement shall contain; what.

1. The name of the company.

2. The nature of the company, whether a person or persons or association or corporation, and under the laws of what state or country organized.

3. The location of its principal office.

4. The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager.

5. The name and postoffice address of the chief officer and managing agent of the company in this state.

6. The number of shares of capital stock.

7. The par and market value, or, if there is no market value, the actual value of the shares of stock on the first day of May.

8. A detailed statement of the real estate owned by the company in this state, where situated, and the value thereof as assessed for taxation.

9. The total value of the real estate owned by the company and situated outside of this state.

10. The whole length of the lines of railway over which the company runs its cars, and the length of so much of such lines as is without and is within this state.

11. The whole number and value of the cars owned or leased by the company classifying the cars according to kind, and the daily average number of cars operated in this state.

Section 5464. SECTION 75. In the case of an equipment company, such statement shall also contain the whole number and value of the cars owned and leased by the company, classifying the cars according to kind; the whole length of the lines of railway, wherever located, operated by the companies, naming them, to which cars owned by such equipment company are leased, and the length of so much of such lines as is without and within this state, giving the name and location of the lines wholly or partially within this state.

Section 5465. SECTION 76. On the first Monday in July, the commission shall ascertain and determine the amount and value of the proportion of the capital stock of sleeping car, freight line and equipment companies, representing capital and property of such companies owned and used in this state, and in so determining shall be guided in each case by the proportion of the capital stock of the company representing rolling stock, which the miles of railroad over which such company runs cars, or its cars are run in this state, bear to the entire number of miles in this state and elsewhere over which such company runs cars, or its cars are run, and such other rules and evidence as will enable the commission to determine, fairly and equitably, the amount and value of the capital stock of such company representing capital and property owned and used in this state. Valuation.

Section 5466. SECTION 77. Before the amount and value of the capital stock of any company representing capital and property owned and used in this state is determined, any company or person interested shall have the right, on written application, to appear before the commission and be heard in the matter of such determination. Hearing.

Section 5467. SECTION 78. Between the date herein fixed for fixing the amount and value of the capital stock of any company representing capital and property owned and used in this state, and the date herein fixed for the certification to the auditor of state of such amount, the commission may, on the application of any person or company interested, or on its own motion, review and correct its action in such manner as it deems just and proper. Corrections.

Section 5468. Certified to auditor of state. Excise tax.

SECTION 79. On the first Monday in August, of each year, the commission shall certify such amount to the auditor of state, who shall charge a sum in the nature of an excise tax, to be collected from each sleeping car, freight line and equipment company, doing business or owning cars which are operated in this state, to be computed by taking one and two-tenths per cent. of the amount fixed by the commission as the value of the portion of the capital stock representing the capital and property of each company owned and used in this state.

Section 5469. Collection by treasurer of state.

SECTION 80. On or before the first day of September of each year, the auditor of state shall certify to the treasurer of state, as herein provided, for collection from each sleeping car, freight line and equipment company, doing business or owning cars which are operated in this state, the amount so charged.

Section 5470. Verified statement.

SECTION 81. Each public utility, except express, telegraph and telephone companies, and street, suburban and interurban railroad and railroad companies, doing business in this state, shall, annually, on or before the first day of August, and each street, suburban and interurban railroad and railroad company, shall, annually, on or before the first day of September, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state, of such association or corporation, if an association or corporation, make and file with the commission a statement in such form as the commission may prescribe.

Section 5471.

SECTION 82. The statement, provided for in the preceding section, shall contain:

1. The name of the company.

2. The nature of the company, whether a person or persons or association or corporation, and under the laws of what state or country organized.

3. The location of its principal office.

4. The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager.

5. The name and postoffice address of the chief officer or managing agent of the company in this state.

Section 5472.

SECTION 83. In the case of each railroad company, such statement shall also contain the entire gross earnings, including all sums earned or charged, whether actually received or not, for the year ending on the thirtieth day of June next preceding, from whatever source derived, for business done within this state, excluding therefrom all earnings derived wholly from interstate business or business done for the federal government. Such statement shall also contain the total gross earnings of such company for such period in this state from business done within this state.

Section 5473.

SECTION 84. In the case of each street, suburban or

interurban railroad company, such statements shall also contain the entire gross earnings, including all sums earned or charged, whether actually received or not, for the year ending on the thirtieth day of June next preceding, from whatever source derived, for business done within this state, excluding therefrom all earnings derived wholly from interstate business or business done for the federal government. Such statement shall also contain the total gross earnings of such company for such period in this state from business done within this state.

Section 5474. SECTION 85. In the case of all such public utilities except railroad, street, suburban and interurban railroad companies, such statement shall also contain the entire gross receipts of the company, including all sums earned or charged, whether actually received, or not, from whatever source derived, for business done within this state for the year next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons or associations, but this shall not apply to receipts from interstate business, or business done for the federal government. Such statement shall also contain the total gross receipts of such company for such period in this state from business done within this state.

What statement shall contain.

Section 5475. SECTION 86. On the first Monday of September the commission shall ascertain and determine the entire gross receipts of each electric light, gas, natural gas, pipe line, waterworks, messenger or signal, union depot, heating, cooling and water transportation company for business done within this state for the year then next preceding the first day of May, and of each express, telegraph and telephone company for business done within this state for the year ending on the thirtieth day of June, excluding therefrom, as to each of the companies named in this section, all receipts derived wholly from interstate business or business done for the federal government.

Valuation determined.

Section 5476. SECTION 87. The amount so ascertained by the commission, in such instance, for the purposes of this act, shall be the gross receipts of such electric light, gas, natural gas, pipe line, waterworks, express, telegraph, telephone, messenger or signal, union depot, heating, cooling or water transportation companies for business done within this state for such year.

Section 5477. SECTION 88. On the first Monday of October, the commission shall ascertain and determine the gross earnings as herein provided, of each railroad company whose line is wholly or partially within this state, for the year ending on the thirtieth day of June next preceding, excluding therefrom all earnings derived wholly from interstate business or business done for the federal government. The amount so ascertained by the commission shall be the gross earnings of such railroad company for such year.

Gross earnings.

Section 5478. SECTION 89. On the first Monday of October, the com-

mission shall ascertain and determine the gross earnings, as herein provided, of each street, suburban and interurban railroad company whose line is wholly or partially within this state, for the year ending on the thirtieth day of June next preceding, excluding therefrom, as to each of the companies named in this section, all earnings derived wholly from interstate business or business done for the federal government. The amount so ascertained by the commission shall be the gross earnings of such street, suburban or interurban railroad company for such year.

Gross earnings.

Section 5479. SECTION 90. Before the gross receipts or earnings of any such public utility are determined, any company, or person interested, shall have the right, on written application, to appear before the commission and be heard in the matter of such determination.

Hearing.

Section 5480. SECTION 91. Between the dates herein fixed for the determination of the amount of the gross receipts or earnings of any such public utility, and the dates herein fixed for the certification to the auditor of state of such amount, as provided in this act, the commission may, on the application of any person or company interested, or on its own motion, review and correct its findings.

Corrections.

Section 5481. SECTION 92. On the first Monday of October the commission shall certify to the auditor of state, the amount of the gross receipts so determined, of electric light, gas, natural gas, pipe line, waterworks, express, telegraph, telephone, messenger or signal, union depot, heating, cooling and water transportation companies, for the year covered by its annual report to the commission, as required in this act.

Certified to auditor of state.

Section 5482. SECTION 93. On the first Monday of November the commission shall certify to the auditor of state the amount of the gross earnings so determined of each street, suburban and interurban railroad and railroad company for the year ending on the thirtieth day of June next preceding.

Section 5483. SECTION 94. In the month of October, annually, the auditor of state shall charge, for collection from each electric light, gas, natural gas, waterworks, telephone, messenger or signal, union depot, heating, cooling and water transportation company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported by the commission as the gross receipts of such company on its intra-state business for the year covered by its annual report to the commission, as required in this act, by taking one and two-tenths per cent. of all such gross receipts, which tax shall not be less than ten dollars in any case.

Excise tax.

Section 5484. SECTION 95. In the month of November, the auditor of state, shall charge, for collection from each street, suburban and interurban railroad company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported to him by the commission as the gross earn-

ings of such company on its intra-state business for the year covered by its annual report to the commission, as required in this act, by taking one and two-tenths per cent. of all gross earnings, which tax shall not be less than ten dollars in any case.

Section 5485. SECTION 96. In the month of October, the auditor of state shall charge for collection, from each express and telegraph company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported to him by the commission as the gross receipts of such company on its intra-state business for the year covered by its annual report to the commission, as required in this act, by taking two per cent. of all such gross receipts, which tax shall not be less than ten dollars in any case.

Section 5486. SECTION 97. In the month of November, the auditor of state shall charge for collection, from each railroad company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported to him by the commission, as the gross earnings of such company on its intra-state business for the year covered by its annual report to the commission, as required in this act, by taking four per cent. of all such gross earnings, which tax shall not be less than ten dollars in any case.

Section 5487. SECTION 98. In the month of October, the auditor of state shall charge for collection, from each pipe line company, a sum in the nature of an excise tax, for the privliege of carrying on its intra-state business, to be computed on the amount so fixed and reported to him by the commission, as the gross receipts of such company on its intra-state business for the year covered by its annual report to the commission, as required in this act, by taking four per cent. of all such gross receipts, which tax shall not be less than ten dollars in any case.

Section 5488. SECTION 99. After determining the amount of taxes or fees payable to the state, as provided in this act, the auditor of state shall thereupon prepare proper duplicates and reports, and certify them to the treasurer of state for collection.

Collection by treasurer of state.

Upon the receipt of such duplicate, the treasurer shall notify each company charged with taxes or fees thereon, of the amount due from it.

Notice of taxes.

Section 5489. SECTION 100. The treasurer of state shall proceed to collect such taxes and render a daily itemized statement to the auditor of state of the amount of taxes or fees collected and the name of the company from whom collected, under all provisions of this act.

Daily statement to auditor.

Section 5490. SECTION 101. Nothing contained in this act shall exempt or relieve electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, railroad, heating, cooling, sleeping car, freight line, equipment

Other companies not exempt.

and water transportation companies from the assessment and taxation of their property in the manner authorized and provided by law.

Section 5491.

Tax credited to general revenue fund.

Penalty.

SECTION 102. All taxes received by the treasurer of state, under the provisions of this act, shall be credited to the general revenue fund. If any public utility fails or refuses to pay, on or before the fifteenth day of December, the tax assessed against it, or if any corporation fails or refuses to pay, on or before the dates fixed, in this act, the fee charged against it, the treasurer of state shall certify the list of such utilities or corporations, so delinquent, to the auditor of state, who shall add to the tax or fee due, a penalty of fifteen per cent. thereon. The auditor of state shall thereupon forthwith prepare proper duplicates and reports of such taxes and fees and penalties thereon and certify them to the treasurer of state for collection. Thirty days after he receives such duplicates of delinquent taxes and fees and penalties thereon from the auditor of state, the treasurer of state shall certify to the commission a list of such public utilities and corporations as have failed to pay such taxes or fees and penalties thereon.

Section 5492.

Action for recovery may be brought, where.

SECTION 103. Such taxes or fees and penalties thereon may be recovered by an action in the name of the state, which may be brought in the court of common pleas of Franklin county, or of any county, in which such corporation has an office or place of business, or in which such public utility is doing business, or the line of any street, suburban or interurban railroad company or railroad company is located, and such court of common pleas shall have jurisdiction of such action regardless of the amount involved therein. The attorney general, on request of the commission, shall institute such action in the court of common pleas of Franklin county, or of any of such counties as the commission may direct. In any such action it shall be sufficient to allege that the tax, fee or penalty sought to be recovered, stands charged on the delinquent duplicate of the treasurer of state, and that the same has been unpaid for a period of thirty days after having been placed thereon. Sums recovered in any such action shall be paid into the state treasury, to the credit of the general revenue fund.

Section 5493.

Effect when tax charged invalid.

SECTION 104. In case the tax or fee herein authorized to be charged and collected against any class of corporations or public utilities, defined in this act, shall for any reason, be declared invalid, such invalidity shall in no wise affect the validity of the law, as applicable to any other class or classes of corporations or public utilities, defined in this act, nor shall the abrogation or repeal of any section or clause of this act be held to abrogate or repeal any other section or clause thereof.

Section 5494.

SECTION 105. This act shall not be so construed as to require any municipal corporation within this state to make any return or pay any taxes under any provisions of this act.

Section 5495. SECTION 106. Between the first day of May and the first day of July, 1911, and annually thereafter during the month of May, each corporation, organized under the laws of this state, for profit, shall make a report, in writing, to the commission, in such form as the commission may prescribe.

Report of corporations for profit.

Section 5496. SECTION 107. Such report shall be signed and sworn to before an officer authorized to administer oaths, by the president, vice-president, secretary or general manager of the corporation, and forwarded to the commission.

Verified.

Section 5497. SECTION 108. Such report shall contain:

Report shall contain, what.

1. The name of the corporation.
2. The location of its principal office.
3. The names of the president, secretary, treasurer and members of the board of directors, with the postoffice address of each.
4. The date of the annual election of officers.
5. The amount of authorized capital stock and the par value of each share.
6. The amount of capital stock subscribed, the amount of capital stock issued and outstanding, and the amount of capital stock paid up.
7. The nature and kind of business in which the corporation is engaged and its place or places of business.
8. The change or changes, if any, in the above particulars, made since the last annual report.

Section 5498. SECTION 109. Upon the filing of the report, provided for in the last three preceding sections, the commission, after finding such report to be correct, shall, on the first Monday of July, determine the amount of the subscribed or issued and outstanding capital stock of each such corporation. On the first Monday in August, the commission shall certify the amount so determined by it to the auditor of state, who shall charge for collection, on or before August fifteenth, as herein provided, from such corporation, a fee of three-twentieths of one per cent. upon its subscribed or issued and outstanding capital stock, which fee shall not be less than ten dollars in any case. Such fee shall be payable to the treasurer of state on or before the first day of the following October.

Amount of capital stock determinted; certified to auditor of state.

Fee.

Minimum.

Section 5499. SECTION 110. Annually, during the month of July, each foreign corporation for profit, doing business in this state, and owning or using a part or all of its capital or plant in this state, and subject to compliance with all other provisions of law, and in addition to all other statements required by law, shall make a report in writing to the commission in such form as the commission may prescribe.

Foreign corporations report.

Section 5500. SECTION 111. Such report shall be signed and sworn to before an officer, authorized to administer oaths, by the president, vice-president, secretary, superintendent or managing agent in this state, and forwarded to the commission.

Verified.

Section 5501. SECTION 112. Such report shall contain:

Contents.

1. The name of the corporation and under the laws of what state or country organized.

2. The location of its principal office.

3. The names of the president, secretary, treasurer and members of the board of directors, with the postoffice address of each.

4. The date of the annual election of officers.

5. The amount of authorized capital stock, and the par value of each share.

6. The amount of capital stock subscribed, the amount of capital stock issued, and the amount of capital stock paid up.

7. The nature and kind of business in which the company is engaged and its place or places of business, both within and without the state.

8. The name and location of its office or offices in this state, and the name and address of the officers or agents of the corporation in charge of its business in this state.

9. The value of the property owned and used by the company in this state, where situated, and the value of the property owned and used outside of this state, and where situated.

10. The change or changes, if any, in the above particulars, made since the last annual report.

Section 5502.

SECTION 113. Upon the filing of the report, provided for in the last three preceding sections, the commission, from the facts thus reported and any other facts coming to its knowledge bearing upon the question, shall, on the first Monday in September, determine the proportion of the authorized capital stock of the company represented by its property and business in this state. On the first Monday of October, the commission shall certify the amount of the proportion of the authorized capital stock of each such company represented by its property and business in this state, as determined by it, to the auditor of state.

Valuation certified to auditor of state.

Section 5503.

SECTION 114. On or before October fifteenth, the auditor of state shall charge for collection, as herein provided, annually, from such company, in addition to the initial fees otherwise provided for by law, for the privilege of exercising its franchises in this state, a fee of three-twentieths of one per cent. upon the proportion of the authorized capital stock of the corporation represented by property owned and used and business transacted in this state, which fee shall not be less than ten dollars in any case. Such fee shall be payable to the treasurer of state on or before the first day of the following December.

Collection.

Fee.

Minimum.

Section 5504.

SECTION 115. Between the dates herein fixed for the determination of the amount of the subscribed or issued and outstanding capital stock of a domestic corporation and the proportion of the authorized capital stock of a foreign corporation, represented by property owned and used and business transacted by it in this state, and the dates herein fixed for the certification to the auditor of state of such

Domestic corporations.

amount or proportion, the commission may, on the application of any person or company interested, or on its own motion, review and correct its findings. Hearing. Corrections.

Section 5505. SECTION 116. Upon the payment of the tax or fee, provided for in this act, to the treasurer of state, the treasurer of state shall make out and deliver to the public utility or corporation so paying a receipt for the payment by such public utility or corporation of the tax or fee herein provided for. Receipt.

Section 5506. SECTION 117. The fees, taxes and penalties, required to be paid by this act, shall be the first and best lien on all property of the public utility or corporation, whether such property is employed by the public utility or corporation in the prosecution of its business or is in the hands of an assignee, trustee or receiver for the benefit of the creditors and stockholders thereof. First lien.

Section 5507. SECTION 118. If a public utility or corporation, required to file a report by any provision of this act, fails or neglects to make such report, as required herein, it shall be subject to a penalty of ten dollars per day for each day's omission after the time limited in this act for making such report. Penalty.

Section 5508. SECTION 119. All foreign corporations, and the officers and agents thereof, doing business in this state, shall be subjected to all the liabilities and restrictions that are, or may be imposed upon corporations of like character, organized under the laws of this state, and shall have no other or greater powers. Every contract made by or on behalf of any such foreign corporation, affecting the liability thereof or relating to its property within this state, before it shall have complied with the provsions of section one hundred and seventy-eight of the General Code, shall be wholly void on its behalf and on behalf of its assigns, but shall be enforceable against it or them. Nothing contained in this section shall be held or construed to apply to insurance corporations, fraternal beneficiary associations, or building and loan associations required by law to report to the superintendent of insurance, nor to repeal, change or modify the provisions of section one hundred and eighty-eight of the General Code. Liabilities of foreign corporations. Insurance companies not included in this act.

Section 5509. SECTION 120. If a corporation, wherever organized, required by the provisions of this act, to file any report or returns or to pay any tax or fee, either as a public utility or as a corporation, organized under the laws of this state, for profit or as a foreign corporation for profit doing business in this state and owning or using a part or all of its capital or plant in this state, or as a sleeping car, freight line or equipment company, fails or neglects to make any such report or return or to pay any such tax or fee for ninety days after the time prescribed in this act for making such report or return or for paying such tax or fee, the commission shall certify such fact to the secretary of state. The secretary of state shall thereupon cancel the articles Failure to report or pay tax or fee; effect of. Cancellation of articles.

of incorporation of any such corporation which is organized under the laws of this state, by appropriate entry upon the margin of the record thereof, or cancel the certificate of authority of any such foreign corporation to do business in this state by proper entry. Thereupon all the powers, privileges and franchises conferred upon such corporations, by such articles of incorporation or by such certificate of authority, shall cease and determine. The secretary of state shall immediately notify such domestic or foreign corporation of the action taken by him.

Section 5510.

SECTION 121. Any person or persons who shall exercise, or attempt to exercise, any powers, privileges or franchises, under the articles of incorporation or certificate of authority, after the same are cancelled, as provided in section one hundred and twenty of this act, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Penalty.

Section 5511.

SECTION 122. Any corporation whose articles of incorporation or certificate of authority, to do business in this state, has been cancelled by the secretary of state, as provided in section one hundred and twenty of this act, upon the filing, within two years after such cancellation, with the secretary of state, of a certificate from the commission that it has complied with all the requirements of this act and paid all taxes, fees or penalties due from it, and upon the payment to the secretary of state of an additional penalty of one hundred dollars, shall be entitled again to exercise its rights, privileges and franchises in this state, and the secretary of state shall cancel the entry made by him under the provisions of section one hundred and twenty of this act, and shall issue his certificate entitling such corporation to exercise its rights, privileges and franchises.

Reinstatement.

Section 5512.

SECTION 123. In addition to all other remedies for the collection of any taxes or fees due, under the provisions of this act, the attorney general, shall, upon the request of the commission, whenever any taxes, fees or penalties due, under this act, from any public utility or corporation, shall have remained unpaid for a period of ninety days, or whenever any corporation or public utility has failed or neglected for ninety days to make or file any report or return, required by this act, or to pay any penalty for failure to make or file such report or return, apply to the common pleas court of Franklin county, or of any county in the state in which such public utility or corporation is located or has an office or place of business, for an injunction to restrain such public utility or corporation from the transaction of any business within this state, until the payment of such taxes or fees and penalties thereon, or the making and filing of such report or return and payment of penalties for failure to make or file such report or return, and the costs of such application, which shall be fixed by the court. Such petition shall be in the name of the state, and if it is made to appear to the court, upon hearing, that

Action by attorney general.

such public utility or corporation has failed and neglected, for ninety days, to pay such taxes, fees or penalties thereon, or to make or file such reports or returns, or to pay such penalties for failure to make or file such reports or returns, such court of common pleas shall grant and issue such injunction. All actions brought under this act shall have precedence over any civil cause of a different nature pending in such court, and the court of common pleas shall always be deemed open for the trial of any such action brought therein.

Section 5513. SECTION 124. If any corporation fails or neglects to make and file the reports or returns, required by this act, or to pay the penalties provided in this act for failure to make and file such reports or returns, for a period of ninety days after the time prescribed in this act, the attorney general, on the request of the commission, shall commence an action in quo warranto, in the circuit court of Franklin county, or of any county in this state in which such corporation is located or has an office or place of business, to forfeit and annul its privileges and franchises. If the court is satisfied that any such corporation is in default as aforesaid, it shall render judgment ousting such corporation from the exercise of its privileges and franchises within this state, and shall otherwise proceed as provided in Chapter One of Title VIII, Part 3 of the General Code.

Quo warranto proceedings.

Section 5514. SECTION 125. The secretary of state shall prepare and keep a correct list of all corporations, subject to the provisions of this act, engaged in business within this state. Each month he shall file with the commission a certified report showing all the new corporations, the increase or decrease of the capital stock, or the dissolution of existing corporations, and such other information as the commission requires. For the purpose of obtaining the necessary information, the secretary of state or the commission, shall have access to the records of the offices of the county auditors of the state.

Certified list of new corporations each month by secretary of state to commission.

Section 5515. SECTION 126. Upon request of the secretary of state or the commission, any county auditor shall furnish such information as is shown by the records of his office concerning corporations located within his county, and subject to the provisions of this act.

Information by county auditors.

Section 5516. SECTION 127. For the purpose of determining the amount of fees due from any such corporation, the commission may investigate and determine the facts showing the proportion of the authorized capital stock of the company represented by its property and business in this state.

Section 5517. SECTION 128. Any bank, public utility or corporation may be heard by the commission upon the question as to the correctness of any determination, finding or order of the commission after the same has been made. Application to the commission for a review of any determination, finding or order by it made, must be filed within sixty days

Hearing.

Review.

after the passage of this act, or within sixty days from the date of the certification thereof by the commission to the proper officer. The commission, upon such application, may make such correction in its determination, finding or order, as it may deem proper, and its decision in the matter shall be final. Such correction shall be certified to the proper official, who shall correct his records and duplicates in accordance therewith. In case any such bank, public utility or corporation has paid the tax or fee assessed against it under mistake, and such mistake is corrected by the commission, upon application so filed, so that the amount due from such bank, public utility or corporation, under such corrected determination, finding or order, is less than the amount of the taxes or fees paid, the county auditor or the auditor of state, as the case may be, shall upon certificate of such correction, as herein provided, draw his warrant on the treasurer, in favor of the bank, public utility or corporation, for the amount so eroneously paid by it. The county treasurer or the treasurer of state, as the case may be, shall pay such warrant; and there is hereby appropriated from the general revenue fund of any such county and from the general revenue fund of the state, not otherwise appropriated, such amount as may be necessary to pay such warrants.

Corrections.

Mistake.

Section 5518. SECTION 129. An incorporated company, whether foreign or domestic, owning or operating a public utility in this state, and as such required by law to file reports with the tax commission and to pay an excise tax upon its gross receipts or gross earnings as provided in this act, and insurance, fraternal beneficial. building and loan, bond investment and other corporations, required by law to file annual reports with the superintendent of insurance, shall not be subject to the provisions of sections one hundred and six to one hundred and fifteen, inclusive, of this act.

Insurance companies excepted.

Section 5519. SECTION 130. A corporation shall not be required to file its first annual report under sections one hundred and six to one hundred and fifteen, inclusive, of this act, until the proper month, hereinbefore provided, for the filing of such report, next following the expiration of six months from the date of its incorporation or admission to do business in this state.

Report not required until lapse of six months from date of incorporation.

Section 5520. SECTION 131. The mere retirement from business or voluntary dissolution of a domestic or foreign corporation, without filing the certificate, provided for in sections eleven thousand nine hundred and seventy-four, eleven thousand nine hundred and seventy-five and eleven thousand nine hundred and seventy-six of the General Code, shall not exempt it from the requirements to make reports and pay fees or taxes in accordance with the provisions of this act.

Dissolution no exemption from payment or filing report.

Section 5521. SECTION 132. In case of dissolution or revocation of its charter, on the part of a domestic corporation, or of the retirement from business in this state, on the part of a foreign corporation, the secretary of state shall not permit a

certificate of such action to be filed with him unless the commission shall certify that all reports, required to be made to it, have been filed in pursuance of law, and that all taxes or fees and penalties thereon due from such corporation have been paid.

When certificate of dissolution may be filed.

Section 5522. SECTION 133. Every corporation or public utility required, by the provisions of this act, to make returns, statements or reports to the commission, shall file therewith, in such form as the commission may prescribe, an affidavit subscribed and sworn to by a person or officer having knowledge of the facts therein set forth, setting forth that such corporation or public utility has not, during the preceding year, directly or indirectly paid, used or offered, consented or agreed to pay or use, any of its money or property for, or in aid of any political party, committee or organization, or for, or in aid of any candidate for political office or for nomination for any such office, or in any manner used any of its money or property for any political purpose whatever, or for the reimbusement or indemnification of any person or persons for moneys or property so used. Such forms of affidavit as the commission may prescribe shall be attached to or made a part of the return, statement or report required to be made by such corporation or public utility under any provision of this act.

Affidavits as to use of money or property in aid of elections.

Form prescribed by commission and made part of return.

Section 5523. SECTION 134. When the secretary of state has knowledge that a foreign corporation, organized for profit, and owning or using a part or all of its capital and plant in this state, is doing business in this state without having complied with the laws thereof, he shall certify such fact to the commission. The commission, when it ascertains from such certificate of the secretary of state, or otherwise, that any such foreign corporation is doing business in this state without having complied with the laws thereof, shall certify the same to the attorney general, with the request that he prosecute an action against such foreign corporation for the penalties provided by law, in the court of common pleas of Franklin county, or in any county in which the corporation has an office or place of business. It shall be the duty of the attorney general, upon receipt of such request, to commence and prosecute such an action. On good cause shown, the commission may remit the penalty, or part thereof, incurred by a foreign corporation under the provision of Chapter 2, of Division 1, Title III, Part First, General Code.

Certificate of secretary of state as to foreign corporation doing business without compliance with laws.

Prosecution.

Section 5524. SECTION 135. With the advice and consent of the commission, the attorney general may, before or after any action for the recovery of fees, taxes or penalties certified to him, as delinquent, under the provisions of this act, compromise or settle any claim for delinquent taxes, fees or penalties so certified.

Compromise.

And all claims compromised or settled as herein provided shall be set forth in the annual report of the tax commission to the general assembly and governor, giving

in detail the terms and conditions of such compromise or settlement.

Section 5603. Power to increase or decrease value of shares.

SECTION 136. The commission may increase or decrease the value of the shares of incorporated banks, and also the shares of unincorporated banks, the capital stock of which is divided into shares, each of which shares is an aliquot part of the capital so divided, and of the property representing the capital employed by unincorporated banks, the capital stock of which is not divided into shares.

Report of cashier or manager.

On or before the first day of June, annually, each county auditor shall make and transmit to the commission a copy of the report made by the cashier, manager or owner of each bank, with the valuation of the shares or property representing capital employed of the bank, as fixed by him.

Section 5604. Examination of bank returns

SECTION 137. On the third Tuesday of June of each year, the commission shall examine the returns of such banks to the county auditors, and the value of such shares and of the property representing the capital employed as fixed by the county auditors, and reported to the commission.

Section 5605. Hearing.

SECTION 138. The commission shall hear complaints and increase or decrease the value of such shares and property representing capital employed, if in the judgment of the commission, the value of all the bank property so reported to the commission, by the county auditors, is not its true value in money.

Section 5606. Certificate of valuations to county auditors.

SECTION 139. On the third Tuesday of July, the commission shall certify to the auditors of the proper counties, the valuations of the shares of, and property representing capital employed by banks situated in such counties, which valuation shall be placed upon the proper tax duplicate.

Section 5607. Review; corrections.

SECTION 140. Between the date herein fixed for the examination of the returns of banks and the date herein fixed for the certification of the valuation of the shares of and property representing capital employed by such banks, the commission may, on the application of any interested person or bank, or on its own motion, review and correct its findings.

Section 5542-8. County auditors shall transmit abstract of real property to commission.

SECTION 141. On or before the first Monday of November, nineteen hundred and fourteen, and every fourth year thereafter, each county auditor shall make and transmit to the commission an abstract of the real property of each taxing district in his county, in which he shall set forth the value thereof, as returned by the assessors, with such additions as have been made thereto.

Section 5542-10. Additions and deductions.

SECTION 142. When the commission has determined the true value of the real property in the several taxing districts or subdivisions thereof it shall transmit to each county auditor a statement of the amount to be added or deducted from the valuation of the real property of each taxing district or subdivision thereof in his county, specifying the amount to be added to or deducted from the valua-

tion of the real property of each of the several taxing districts or subdivisions thereof.

Section 5542-11. SECTION 143. The county auditor shall forthwith add to or deduct from each tract or lot of real property in his county, the required per cent. or amount of the valuation thereof, as it stands after it has been equalized by the county and city boards of equalization, adding or deducting, in each case, any sum less than five dollars, so that the value of any separate tract or lot shall be ten dollars or some multiple thereof.

Section 5616. SECTION 144. The commission shall order a reassessment of the real or personal property in a taxing district, when in the judgment of the commission such property has not been assessed at its true value in money, to the end that all classes of property in such taxing district shall be assessed in compliance with the law. Reassessment.

Section 5617. SECTION 145. When a reassessment is ordered in any taxing district the commission shall appoint an appraiser or board of appraisers who shall forthwith proceed to reassess such property in such taxing district and who shall have all the powers, perform all the duties and receive the same compensation from the same sources, as provided by law, for assessors of real or personal property, as the case may be. Appraisers.

Section 5617-1. SECTION 146. The commission shall require county auditors to place upon the tax duplicate any property which may be found, for any reason, to have escaped assessment and taxation. Omitted property.

Section 5617-2. SECTION 147. The commission may raise or lower the assessed value of any real or personal property, first giving notice to the owner or owners thereof fixing a time and place for hearing any person or persons interested to the end that the assessment laws of the state may be equitably administered. Hearing; increase or decrease of value.

Section 5617-3. SECTION 148. For the purpose of protecting the public interest, the commission is authorized to appear and upon its application entitled to be heard in any court or tribunal, in any proceeding involving the appraisement, valuation or equalization thereof, of property for purposes of taxation, or the assessment or collection of taxes. It shall be the duty of the clerk of any court of record in this state, to immediately transmit to the commission, by registered letter, a copy of the petition filed in such action, and charge the fee therefor in the costs. Commission to be heard in court. Copy of petition.

Section 5617-4. SECTION 149. The commission may remit taxes and penalties thereon, found by it to have been illegally assessed, and such penalties as have accrued, or may accrue, in consequence of the negligence or error of an officer required to perform a duty relating to the assessment of property for taxation, or the levy or collection of taxes. It may correct an error in an assessment of property for taxation or in the duplicate of taxes in a county, but its power under this section, shall not extend to taxes levied Remission. Correction of errors.

under the provisions of subdivisions two of chapter fifteen of title two, part second, of the General Code.

Section 5617-5. Notice to auditor when remission in excess of $100.00.

SECTION 150. No such taxes, assessments or penalties, in excess of one hundred dollars, shall in any case be remitted until after at least ten days' notice of the application to have them remitted shall have been served upon the prosecuting attorney and the county auditor of the county where such taxes or assessments were levied, and proof of such service has been filed with the commission. When any taxes or penalties have been remitted as provided in this and the next preceding section, the commission shall make a report thereof to the auditor of state.

Report.

Section 5617-6. Examination of complaints.

SECTION 151. The commission may receive complaints and examine into all cases where it is alleged that property subject to taxation has not been assessed or has been fraudulently or for any reason improperly or unfairly assessed, or the law, in any manner, evaded or violated.

Section 5617-7.

SECTION 152. The commission may cause to be instituted proceedings to remedy improper or negligent administration of the taxation laws of the state.

Section 5617-8. Forms of returns prescribed and transmitted to county auditors by commission.

SECTION 153. The commission shall prepare and transmit to county auditors, such forms of returns to be made by them to its office, and such instructions as it deems conducive to the best interests of the state upon a subject affecting taxation, or the construction of any statute affecting taxation, the execution of which devolves upon any officer. It shall see that all laws concerning the valuation and assessment of all classes of property, and the collection of taxes thereon are faithfully obeyed. It shall issue such orders and instructions as will carry into effect the provisions of law relating to taxation and shall cause the same to be enforced. County auditors and other officers shall observe and use such forms and obey such orders and instructions.

Orders and instructions.

Section 12924-1.

SECTION 154. Whoever, being an officer, agent or employe of any public utility, company, firm, person, co-partnership, corporation or association, subject to the provisions of any law which the tax commission of Ohio is required to administer, shall fail or refuse to fill out and return any blanks, as required by such law, or shall fail or refuse to answer any questions therein propounded, or shall knowingly or wilfully give a false answer to any such question where the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to such commission or any commissioner or any person duly authorized, any book, paper, account, record or memoranda of such public utility, which is in his possession or under his control, shall be fined not more than one thousand dollars for each offense.

Penalty for violations.

Section 12924-2. Forfeiture.

SECTION 155. A forfeiture of not less than five hundred dollars nor more than one thousand dollars shall be recovered from any such public utility, company, firm, person, co-partnership, corporation or association for each vio-

lation of the next preceding section, when such officer, agent or employe acted in obedience to the direction, instruction or request of such public utility, company, corporation or association or any general officer thereof.

Section 12924-3. SECTION 156. Whoever violates any provision of a law, which the tax commission of Ohio is required to administer, or neglects or refuses to perform any duty therein required, for which a penalty has not otherwise been provided, or neglects or refuses to obey any lawful requirement or order made by such commission, for every such violation, failure or refusal shall be fined not less than twenty-five dollars nor more than one thousand dollars for each offense. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or other person acting for or employed by any public utility, company, firm, person, co-partnership, corporation or association acting within the scope of his employment, shall, in every case be the act, omission or failure of such public utility, company, firm, person, co-partnership, corporation or association.

Penalty.

Construction and enforcement of the law.

Section 12924-4. SECTION 157. Whoever, being a member of the tax commission of Ohio, or an assessor or a member of a county board of equalization, or a person whose duty it is to list, value, assess or equalize real or personal property for taxation, shall knowingly or wilfully fail to list or return for assessment or valuation, any real estate or personal property, or knowingly or wilfully lists or returns for assessment or valuation any real or personal property at any other than its true value in money, or shall wilfully or knowingly fail to equalize any real or personal property according to its true value in money, shall be fined not less than fifty dollars nor more than five hundred dollars and in addition thereto, if he be an officer, shall forfeit his office or position.

Penalty for false list or return of assessment or valuation.

Section 12924-5. SECTION 158. Every day during which any public utility, company, corporation, association, firm, co-partnership, officer, or individual, subject to the provisions of any law which the tax commission of Ohio is required to administer, or any officer, agent or employe thereof shall wilfully fail to observe and comply with any order or direction of such commission or to perform any duty enjoined by such law, shall constitute a separate and distinct offense.

Each day a separate offense.

Section 5525. SECTION 159. The provisions of sections one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three and one hundred and twenty-four of this act, shall apply to any public utility or corporation which for two years prior to, and for ninety days from and after, the passage of this act, shall fail to pay any taxes or fees or penalties thereon, due from it to the state of Ohio, or to make or file any report or return, required by law, or to pay any penalty provided by law for failure to make or file any report or return required by law.

Application of preceding sections.

Independent sections.

SECTION 160. The sections of this act, and every part of such sections, are hereby declared to be independent sections and parts of sections and the holding of any section or part thereof to be void or ineffective shall not affect any other section or part thereof.

Pending actions, etc., not affected.

SECTION 161. Nothing in this act shall be held or construed to affect pending actions, prosecutions, or proceedings, civil or criminal, or causes of such actions, prosecutions or proceedings existing at the time it takes effect.

SECTION 162. Nothing in this act shall be held or construed to permit the commission, or any of its agents or employes, to examine the deposit accounts or take a list of the depositors of any building and loan association or bank, savings bank, savings society, society for savings, savings and loan association, safe deposit company, trust company and savings and trust company, or a list of the share holders of any building and loan association.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 163. That sections 5446 to 5542-8, inclusive, and 5542-10 to 5542-24, inclusive, of the General Code, as enacted May 10, 1910, (101 Ohio L. 399) be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

Sections one (1) to one hundred and sixty-one (161), both inclusive, and section one hundred and sixty-three (163).

Approved June 2nd, 1911.

JUDSON HARMON,
Governor.

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To the General Assembly:

I approve Amended House Bill No. 491 "To repeal sections 5446 to 5542-8, inclusive, and 5542-10 to 5542-24, inclusive, of the General Code, as enacted May 10, 1910 (101 O. L. 199), relating to the tax commission of Ohio and to further define its powers and duties," with the exception of section 162 thereof, to which my objections are as follows:

Glaring inequalities in taxation have long caused discontent in the state that has become more general and acute since the commencement of the recent quadrennial appraisement of real estate, which everybody knew was certain to increase largely the valuations thereof.

Justice to the owners of real estate required that measures be taken to secure from the owners of other kinds of property their just share of taxes. To accomplish this it is necessary to subject to taxation personal property, moneys, credits, etc., which have heretofore largely escaped, and to put these on the duplicate at their true value in money, as is done with real estate.

So at the last session a State Tax Commission was created and a limit fixed on the total amount of taxes which may be levied after the new valuation of real estate takes effect. At the present session this limit has been reduced in order to enforce economy in public expenditures and also to stimulate taxing officials in their work respecting personalty, as well as to arouse public sentiment on the subject.

The purpose of the bill now before me is to clear away doubts and ambiguities in the tax commission law and make the powers of that body more effective. As drawn and passed by the House the bill accomplished these purposes, but among the amendments made by the Senate is section 162, whose effect would be to obstruct the laudable work in progress, and that with respect to money on deposit in banks, trust companies, building and loan associations and financial institutions of all descriptions, and shares in building and loan associations, whether held by borrowers or investors, all of which have long been most notorious for absence from the duplicate.

Under its general authority the Tax Commission has the power to make all examinations necessary to secure information required for the discharge of its duties with respect to all kinds of property, but by section 162 it is explicitly forbidden to exercise this power to enable it to discover taxable deposits and investments in the kinds of institutions above mentioned, and to examine deposit accounts of banks, etc., even to verify statements filed under the law as an aid in fixing the true value of shares of stock.

This would be a clear discrimination in favor of shareholders and depositors and against the owners of other kinds of property as well as against the public interest. In effect it would be a practical exemption from taxation in very many cases, and that of property most of which would certainly not appeal strongly for exemption from contributing to the public expense, if authority to grant exemptions existed.

Determined as I am to secure the best and fairest results possible under our present constitution and laws, I cannot give my approval to this part of the bill.

With taxation limited, as it now is, every excuse for seeking to avoid taxation is removed and every citizen ought willingly to pay his fair share to support the government. But unless all are subject to the same rule, in all respects, any system of taxation would be unjust and therefore fail to secure the general approval which gives vitality to the measures of popular government.

I therefore file with the Secretary of State, herewith, said section 162 unapproved.

JUDSON HARMON,
Governor.

June 2, 1911.

I have this day made public the fact of the filing in

my office of the above sections together with the written objections of Judson Harmon, Governor, thereto.

CHAS. H. GRAVES,
Secretary of State.

June 2nd, 1911.

[Senate Bill No. 131.]

AN ACT

To provide for the issue of bonds by municipal corporations and to repeal sections 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953 and 3954 of the general code.

Be it enacted by the General Assembly of the State of Ohio:

Section 3939. SECTION 1. When it deems it necessary, the council of a municipal corporation, by an affirmative vote of not less than two-thirds of the members elected or appointed thereto, by ordinance, may issue and sell bonds in such amounts and denominations, for such period of time, and at such rate of interest, not exceeding six per cent. per annum, as said council may determine and in the manner provided by law, for any of the following specific purposes:

Power to issue bonds.

1. For procuring the real estate and right of way for an improvement authorized by this section, or for purchasing real estate with a building or buldings thereon, to be used for public purposes, or to be donated to the state of Ohio by deed in fee simple as a site for the erection of an armory.

2. For extending, enlarging, improving, repairing or securing a more complete enjoyment of a building or improvement authorized by this section, and for equipping and furnishing it.

3. For sanitary purposes and for erecting a crematory or providing other means for disposing of garbage and refuse matters, and for erecting public toilet and public comfort stations.

4. For improving highways leading into the corporation, or for building or improving turnpikes, or for purchasing one or more turnpike roads and making them free.

5. For constructing wharves and landings on navigable waters.

6. For erecting infirmaries.

7. For erecting workhouses, prisons and police stations.

8. For erecting houses of refuge and correction.

9. For erecting market houses and providing market places.

10. For erecting public halls and public offices.

11. For erecting or purchasing waterworks for supplying water to the corporation and the inhabitants thereof.

12. For erecting or purchasing gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the corporation and the inhabitants thereof.

13. For providing grounds for cemeteries or crematories, for enclosing and embellishing them, and for erecting vaults.

14. For constructing sewers, sewage disposal works, flushing tunnels, drains and ditches.

15. For establishing free public libraries and reading rooms, and free recreation centers.

16. For the establishment of free public baths and municipal lodging houses.

17. For erecting monuments to commemorate the services of soldiers, sailors and marines of the state and nation.

18. For improving any water course or water front.

19. For the payment of obligations arising from emergencies resulting from epidemics or floods, or other forces of nature.

20. For purchasing and condemning the necessary land for parks, boulevards and public playgrounds, and for improving it as well as for improving or completing the improvement of any existing boulevard, park or parks, or public playgrounds.

21. For erecting hospitals and pest houses and for rebuilding, or improving existing hospitals and pest houses.

22. For resurfacing, repairing or improving any existing street or streets as well as other public highways.

23. For opening, widening, and extending any street or public highway.

24. For purchasing or condemning any land necessary for street or highway purposes, and for improving it or paying any portion of the cost of such improvement.

25. For constructing levees and embankments or paving or improving them, and for improving any water course passing through the corporation.

26. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning the necessary land therefor.

27. For erecting any building necessary for a fire department, purchasing fire engines, fire boats, constructing water towers, and fire cisterns, and paying the cost of placing under ground the wires or other signal apparatus of any fire department.

Section 3940. SECTION 2. Such bonds may be issued for any or all of such purposes, but the total indebtedness created in any one fiscal year, by the council of a municipal corporation, under the authority conferred in the preceding section, shall not exceed one per cent. of the total value of all property in such municipal corporation, as listed and assessed for taxation.

Total indebtedness limited to 1% of total value.

Section 3941. Net indebtedness limited to 4%.

SECTION 3. The net indebtedness created or incurred by the council under the authority granted it in section one (1) of this act, and in an act passed April 29th, 1902, to amend sections 2835, 2836 and 2837 and to repeal section 2837a of the Revised Statutes (O. L. v. 95 p. 318) together with its subsequent amendments, shall never exceed four (4) per cent. of the total value of all property in such municipal corporation as listed and assessed for taxation.

Section 3942. Vote for additional bonds.

SECTION 4. In addition to the authority granted in section one (1) of this act and supplementary thereto, the council of a municipal corporation, whenever it deems it necessary, may issue and sell bonds in such amounts, or denomination, and for such period of time and rate of interest not exceeding six per cent. per annum, as it may determine upon for any of the purposes set forth in said section one, upon obtaining the approval of the electors of the corporation at a general or special election in the following manner.

Section 3943. Action of council necessary.

SECTION 5. The council, by resolution passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, shall declare it necessary to issue and sell bonds of the corporation. Such resolution shall state the purpose and amount of said issue, and shall fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of the corporation. Council shall then cause a copy of such resolution to be certified to the deputy state supervisors of the county in which the corporation is situated.

Section 3944. Duty of deputy state supervisors.

SECTION 6. The deputy state supervisors shall prepare the ballots and make the necessary arrangements for the submission of such question to the electors of such municipal corporation at the time fixed in the resolution.

Section 3945. Election.

SECTION 7. The election shall be held at the regular place or places of voting in the municipality, and be conducted, canvassed and certified in like manner, except as otherwise provided by law, as regular elections in the municipal corporation for the election of officers thereof.

Section 3946. Notice.

SECTION 8. Thirty days' notice of the election shall be given in one or more newspapers printed in the municipality once a week for four consecutive weeks prior thereto, stating the amount of bonds to be issued, and the purpose for which they are to be issued, and the time and place of holding the election. If no newspaper is printed therein, the notice shall be posted in a conspicuous place and published once a week for four consecutive weeks in a newspaper of general circulation in the township or municipal corporation.

Section 3947. Two-thirds vote required.

SECTION 9. If two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, the bonds shall be issued. Those who vote in favor of the proposition shall have written or printed on their ballots, "For the issue of bonds"; and those who vote

against it shall have written or printed on their ballots, "Against the issue of bonds".

Section 3948. SECTION 10. The net indebtedness created or incurred by a municipal corporation under authority of sections one and four of this act and under the authority of an act passed April 29th, 1902, to amend sections 2835, 2836 and 2837 and to repeal section 2837a of the Revised Statutes (O. L. v. 95 p. 318) together with its subsequent amendments, shall never exceed in total eight (8) per cent. of the total value of all property in such municipal corporation as listed and assessed for taxation. Maximum net indebtedness.

Section 3949. SECTION 11. The "net indebtedness" prescribed in sections three and ten of this act shall be the difference between the par value of the outstanding and unpaid bonds and the amount held in the sinking fund for their redemption. In ascertaining the limitations of one per cent., four per cent. and eight per cent. herein prescribed, the following bonds shall not be considered: Definition.

What bonds not considered.

a. Bonds issued prior to April 29th, 1902.

b. Bonds issued to refund, extend the time of payment of, or in exchange for, bonds representing an indebtedness created or incurred prior to April 29, 1902.

c. Bonds issued in anticipation of the collection of special assessments, either in original or refunded form.

d. Bonds issued for the payment of obligations arising through emergencies caused by epidemics, floods or other forces of nature.

e. Bonds issued to meet deficiencies in the revenues, as provided for in section 3931 of the general code.

f. Bonds issued for the purpose of purchasing, constructing, improving and extending water works when the income from such water works is sufficient to cover the cost of all operating expenses, interest charges and to pass a sufficient amount to a sinking fund to retire such bonds when they become due.

Section 3950. SECTION 12. An indebtedness shall not be deemed to have been created or incurred, within the meaning of this act, until the bonds shall have been delivered under contract of sale.

Section 3951. SECTION 13. Bonds issued in the manner hereinbefore prescribed, which at the time of issue were within the limitations herein provided shall continue to be valid obligations of the municipal corporation which issued them.

Section 3952. SECTION 14. That from and after the passage of this act and until and including the 30th day of September, 1911, the limitations of four and eight per cent. prescribed in this act shall be applied to and based upon the total value of all property listed and assessed for taxation in such municipal corporation as determined by the duplicate for the year 1910. On and after the first day of October, 1911, the said four per cent. limitation shall be reduced to two and one-half per cent., and the said eight per cent. limitation shall be reduced to five per cent., and such reduced Act takes effect, when.

limitations shall be applied to and based upon the value of all the property listed and assessed for taxation in such municipal corporation as determined by the duplicate then or thereafter in force.

Section 3953

SECTION 15. For the payment of all bonds herein authorized, unless the interest thereon and redemption thereof is otherwise provided for, council shall levy each year during the periods the bonds have to run, a tax in addition to all levies authorized by law, sufficient to pay the interest thereon as it matures, and provide a sinking fund for their redemption at maturity.

Levy.

The sectional numbers on the margin hereof are designated as provided by law.

SECTION 16. That sections 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953 and 3954 of the general code be and the same are hereby repealed.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 15th, 1911.
Approved May 26th, 1911.

JUDSON HARMON,
Governor.
134

[House Bill No. 186.]

AN ACT

To amend sections 7575, 7924, 7925, 7926, 7927, 7929, 7986, 5649-2, 5649-3 and 5649-5 of the General Code, and to supplement sections 5649-3 and 5649-5 by supplementary sections to be known as sections 5649-3a, 5649-3b, 5649-3c, 5649-3d and 5649-3e and 5649-5a and 5649-5b of the General Code, relating to the maximum tax rate which may be levied in a taxing district, and to remove certain penalties for improper valuations so as to secure hereafter a fair and equitable valuation of property for taxation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7575, 7924, 7925, 7926, 7927, 7986, 5649-2, 5649-3, 5649-5 of the General Code be amended to read as herein provided, and that sections 5649-3 and 5649-5 of the General Code be supplemented by the addition of sections to be known as sections 5649-3a, 5649-3b, 5649-3c, 5649-3d, 5649-3e, 5649-5a and 5649-5b.

Tax levy for state common school fund.

Sec. 7575. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied annually a tax of three hundred and thirty-five thousandths of one mill on the grand list of the taxable property of the state, to be collected as are other state taxes and the proceeds of which shall constitute "the state common school fund," and for the payment of interest on

the irreducible or trust fund debt for school purposes, three hundred and thirty-five ten thousandths of one mill, such fund to be styled "the sinking fund."

Levy for Miami university.

Sec. 7924. For the purpose of affording support to the Miami university, there shall be levied annually a tax on the grand list of the taxable property of the state, which tax shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Miami university fund." The rate of such levy shall be eighty-five ten thousandths of one mill upon each dollar of valuation of such property. The sum raised by such levy, or its equivalent in money, in case the levy is abolished, shall be the sum total received either from the proceeds of the levy or from appropriations for the support of the college of liberal arts, and shall be used only for the purposes set forth in the next preceding section. This levy shall not hereafter be increased. But this shall not prevent such appropriations from time to time as may be necessary for apparatus for university purposes, exclusive of buildings.

Levy for Ohio university.

Sec. 7925. For the purpose of affording support to the Ohio university, there shall be levied annually a tax on the grand list of the taxable property of the state which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Ohio university fund." The rate of such levy shall be eighty-five ten thousandths of one mill upon each dollar of valuation of such taxable property. The sum raised by means of such levy, or its equivalent in money, in case the levy is abolished, shall be the sum total received, either from the proceeds of the levy or from appropriations for the support of the college of liberal arts, and shall be used only for the purposes set forth in section seventy-nine hundred and twenty-three. This levy shall not hereafter be increased. But this shall not prevent such appropriations from time to time as may be necessary for apparatus for university purposes, exclusive of buildings.

Sec. 7926. For the purpose of affording support to the state normal school or college, in connection with the Ohio university, there shall be levied annually a tax on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "The Ohio normal school fund." The rate of such levy shall be five one thousandths of one mill upon each dollar of valuation as such taxable property, unless otherwise designated by the general assembly. Nothing in this section shall prevent such normal school from securing such additional appropriations as the general assembly see fit to make from time to time for the support and equipment of the school.

Sec. 7927. For the purpose of affording support to the state normal school or college, in connection with the Miami university, there shall be levied annually a tax on the grand list of the taxable property of this state, which shall

be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Miami normal school fund." The rate of such levy shall be thirty-five ten thousandths of one mill upon each dollar of valuation of such taxable property, unless otherwise designated by the general assembly. Nothing in this section shall prevent such normal school from securing such additional appropriations as the general assembly sees fit to make from time to time for the support, and equipment of the school.

Levy for Ohio state university.

Sec. 7929. For the purpose of affording free the advantages to the youth of the state of a higher, technical, liberal, professional, agricultural, graduate and industrial education, including manual training, there shall be levied annually a tax on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Ohio state university fund." There shall be levied annually for that purpose five hundred and thirty-five ten thousandths of one mill upon each dollar of valuation of such taxable property or its equivalent in money should such levy be abolished. Nothing herein shall prevent the Ohio state university from securing any appropriations that the general assembly sees fit to grant for the purposes herein set forth. The Ohio state university never shall mantain a normal school, but may establish a teacher's college of professional grade. Nothing in this section shall prevent the board of trustees from charging incidental expense fees and also reasonable tuition fees for professional education.

Levy for Wilberforce university.

Sec. 7986. For the purpose of carrying out the provisions of this subdivision of this chapter, there shall be levied annually a tax on the grand list of taxable property of the state, which shall be collected in a like manner as other state taxes, and the proceeds of which will constitute, "the fund of the combined normal and industrial department at Wilberforce university." The rate of such levy shall be designated by the general assembly at least once in two years. If it fails to designate the rate for any year, for the fund of the "combined normal and industrial department of Wilberforce university" such levy shall be thirty-five ten thousandths of one mill upon each dollar valuation of such taxable property. This shall be paid to the treasurer of the normal and industrial department at Wilberforce university in accordance with the provisions hereof. All revenue arising from tuition, sales of products, or otherwise under the aforesaid department, shall be applied by its board of trustees to defray its expenses, or to increase its efficiency, a strict account of which shall be kept by the department board, and accompany the report to the governor.

Sec. 5649-2. Except as otherwise provided in section 5649-4 and section 5649-5 of the General Code, the aggregate amount of taxes that may be levied on the taxable

property in any county, township, city, village, school district or other taxing district, for the year 1911 and any year thereafter, including taxes levied under authority of section 5649-1 of the General Code, and levies for state, county, township, municipal, school and all other purposes, shall not in any one year exceed in the aggregate the total amount of taxes that were levied upon the taxable property therein of such county, township, city, village, school district or other taxing district, for all purposes in the year 1910, provided, however, that the maximum rate of taxes that may be levied for all purposes, upon the taxable property therein, shall not in any one year exceed ten mills on each dollar of the tax valuation of the taxable property of such county, township, city, village, school district or other taxing district for that year, and such levies in addition thereto for sinking fund and interest purposes as may be necessary to provide for any indebtedness heretofore incurred or any indebtedness that may hereafter be incurred by a vote of the people.

Tax levy limitation.

Sec. 5649-3. The maximum rate of taxation in any taxing district for any purpose, as now fixed, shall be and is hereby changed so that such maximum rate, as levied on the total valuation of all taxable property in the district for the year 1911 and any year thereafter would produce no greater amount of taxes, than the present maximum rate for such purpose, if levied on the total valuation for all the taxable property therein for the year 1910, would produce. Any minimum rate required by law to be levied for any purpose, is hereby reduced in like proportion that the maximum rate is herein reduced.

Maximum rate

If in any year the taxing authorities of any taxing district shall desire to raise a less amount of taxes for a particular purpose than was levied for such purpose in the year 1910, the amount of taxes that may be levied for another or other purposes may be correspondingly increased; the intent and purpose of this act being to provide the total amount of taxes which may be levied in the year 1911 or in any year thereafter, for all purposes, shall not exceed in the aggregate, the total amount of taxes levied in the year 1910, plus six per cent. thereof for the year 1912, nine per cent. for the year 1913 and twelve per cent. thereof for any years thereafter, or, such less amount as may be produced by the levy of a maximum rate of ten mills on each dollar of the tax valuation of the taxable property therein, of any county, township, city, village, school district or taxing district, for that year, whether such taxes be levied for the same or other purposes, except to the amount of such levies as may be made for interest and sinking fund purposes as provided in section 5649-2 of the General Code as herein enacted, for emergencies as provided in section 5649-4 of the General Code and such additional levies as may be authorized by a vote of the people as provided in section 5649-5 of the General Code, as herein enacted.

Tax for various purposes may be increased or decreased, but total tax not increased.

When tax levies to be made.

Sec. 5649-3a. On or before the first Monday in June, each year, the county commissioners of each county, the council of each municipal corporation, the trustees of each township, each board of education and all other boards or officers authorized by law to levy taxes, within the county, except taxes for state purposes, shall submit or cause to be submitted to the county auditor an annual budget, setting forth in itemized form an estimate stating the amount of money needed for their wants for the incoming year, and for each month thereof. Such annual budgets shall specifically set forth:

Budget.

(1) The amount to be raised for each and every purpose allowed by law for which it is desired to raise money for the incoming year.

(2) The balance standing to the credit or debit of the several funds at the end of the last fiscal year.

(3) The monthly expenditures from each fund in the twelve months and the monthly expenditures from all funds in the twelve months of the last fiscal year.

(4) The annual expenditures from each fund for each year of the last five fiscal years.

(5) The monthly average of such expenditures from each of the several funds for the last fiscal year, and also the total monthly average of all of them for the last five fiscal years.

(6) The amount of money received from any other source and available for any purpose in each of the last five fiscal years, together with an estimate of the probable amount that may be received during the incoming year, from such source or sources.

(7) The amount of the bonded indebtedness setting out each issue and the purpose for which issued, the date of issue and the date of maturity, the original amount issued and the amount outstanding, the rate of interest, the sum necessary for interest and sinking fund purposes, and the amount required for all interest and sinking fund purposes for the incoming year.

(8) The amount of all indebtedness incurred under authority of section 5649-4 and the amount of such additional taxes as may have been authorized as provided in section 5649-5 of the General Code, setting out each issue in detail as provided in the next preceding paragraph.

(9) Such other facts and information as the tax commission of Ohio or the budget commissioners may require.

County.

The aggregate of all taxes that may be levied by a county, for county purposes, on the taxable property in the county on the tax list, shall not exceed in any one year three mills.

Municipal corporation.

The aggregate of all taxes that may be levied by a municipal corporation on the taxable property in the corporation, for corporation purposes, on the tax list, shall not exceed in any one year five mills.

Township.

The aggregate of all taxes that may be levied by a township, for township pur-

poses, on the taxable property in the township on the tax list, shall not exceed in any one year two mills. The local tax levy for all school purposes shall not exceed in any one year five mills on the dollar of valuation of taxable property in any school district. Such limits for county, township, municipal and school levies shall be exclusive of any special levy, provided for by a vote of the electors, special assessments, levies for road taxes that may be worked out by the tax payers, and levies and assessments in special districts created for road or ditch improvements, over which the budget commissioners shall have no control. School.

Such budget shall be made up annually at the time or times now fixed by law when such boards or officers are required to determine the amount in money to be raised or the rate of taxes to be levied in their respective taxing districts.

The county auditor shall provide and furnish such boards and officers blank forms and instructions for making up such budgets. Blanks.

Sec. 5649-3b. The county auditor, the mayor of the largest municipality in the county as shown by the last federal census, and the prosecuting attorney shall constitute a board to be known as the budget commissioners, for the annual adjustment of the rates of taxation. The budget commissioners shall meet at the auditor's office in each county on the first Monday of June, annually and complete their work on or before the first Monday in July next following. Each member thereof shall be sworn, faithfully and impartially, to perform the duties imposed upon him by this act. Two members shall constitute a quorum. The auditor shall be the secretary of the budget commissioners and shall keep a full and accurate record of their proceedings. The auditor shall appoint such messengers and clerks as the board deem necessary, who shall receive not to exceed three dollars per day for their services for the time actually employed, which shall be paid out of the county treasury. The budget commissioners shall be allowed their actual and necessary expenses, such expenses to be itemized and sworn to by the person who incurred them, and paid out of the county treasury when approved by the budget commissioners. Budget commissioners. Time and place of meeting. Quorum. Expenses.

Sec. 5649-3c. The auditor shall lay before the budget commissioners the annual budgets submitted to him by the boards and officers named in section 5649-3a of this act, together with an estimate to be prepared by the auditor of the amount of money to be raised for state purposes in each taxing district in the county, and such other information as the budget commissioners may request, or the tax commission of Ohio may prescribe. The budget commissioners shall examine such budgets and estimates prepared by the county auditor, and ascertain the total amount proposed to be raised in each taxing district for state, county, township, city, village, school district, or other taxing dis- Examination of budgets.

trict purposes. If the budget commissioners find that the total amount of taxes to be raised therein does not exceed the amount authorized to be raised in any township, city, village, school district, or other taxing district in the county, the fact shall be certified to the county auditor. If such total is found to exceed such authorized amount in any township, city, village, school district, or other taxing district in the county, the budget commissioners shall adjust the various amounts to be raised so that the total amount thereof shall not exceed in any taxing district the sum authorized to be levied therein. In making such adjustment the budget commissioners may revise and change the annual estimates contained in such budgets, and may reduce any or all the items in any such budget, but shall not increase the total of any such budget, or any item therein. The budget commissioners shall reduce the estimates contained in any or all such budgets by such amount or amounts as will bring the total for each township, city, village, school district, or other taxing district, within the limits provided by law.

Adjustment and certification.

When the budget commissioners have completed their work they shall certify their action to the county auditor, who shall ascertain the rate of taxes necessary to be levied upon the taxable property therein of such county, and of each township, city, village, school district, or other taxing district, returned on the grand duplicate, and place it on the tax list of the county.

Sec. 5649-3d. At the beginning of each fiscal half year the various boards mentioned in section 5649-3a of this act shall make appropriations for each of the several objects for which money has to be provided, from the moneys known to be in the treasury from the collection of taxes and all other sources of revenue, and all expenditures within the following six months shall be made from and within such appropriations and balances thereof, but no appropriation shall be made for any purpose not set forth in the annual budget nor for a greater amount for such purpose than the total amount fixed by the budget commissioners, exclusive of receipts and balances.

Appropriations each fiscal half year.

Sec. 5649-3e. Unexpended appropriations or balances of appropriations remaining over at the end of the year, and the balances remaining over at any time after a fixed charge shall have been terminated by reason of the object of the appropriation having been satisfied or abandoned, shall revert to the general fund, and shall then be subject to other authorized uses, as such board or officers may determine.

Balances unexpended.

Sec. 5649-5. The county commissioners of any county, the council of any municipal corporation, the trustee of any township, or any board of education may, at any time, by a majority vote of all the members elected or appointed thereto, declare by resolution that the amount of taxes that may be raised by the levy of taxes at the maximum rate

Proceedings when maximum rate insufficient.

authorized by sections 5649-2 and 5649-3 of the General Code as herein enacted within its taxing district, will be insufficient and that it is expedient to levy taxes at a rate, in excess of such rate and cause a copy of such resolution to be certified to the deputy state supervisors of the proper county. Such resolution shall specify the amount of such proposed increase of rate above the maximum rate of taxation and the number of years not exceeding five during which such increased rate may be continued to be levied.

Sec. 5649-5a. Such proposition shall be submitted to the electors of such taxing district at the November election that occurs more than twenty days after the adoption of such resolution. The deputy state supervisors shall prepare the ballots and make the necessary arrangements for the submission of such question to the electors of such taxing district, and the election shall be conducted, canvassed and certified in like manner, except as otherwise provided by law, as regular elections in such taxing district for the election of officers thereof. Twenty days' notice of the election shall be given in one or more newspapers printed in the taxing district once a week for four consecutive weeks prior thereto, stating the amount of the additional rate to be levied, the purpose for which it is to be levied, and the number of years during which such increased rate may be continued to be levied, and the time and place of holding the election. If no newspaper is printed therein, the notice shall be posted in a conspicuous place and published once a week for four consecutive weeks in a newspaper of general circulation in such taxing district.

Vote.

Notice.

The form of the ballots cast at such election shall be:

Ballot.

"For an additional levy of taxes for the purpose of ..... not exceeding ..... mills, for not to exceed ..... years, Yes."

"For an additional levy of taxes for the purpose of ..... not exceeding ..... mills, for not to exceed ..... years, No."

Sec. 5649-5b. If a majority of the electors voting thereon at such election vote in favor thereof it shall be lawful to levy taxes within such taxing district at a rate not to exceed such increased rate for and during the period provided for in such resolution, but in no case shall the combined maximum rate for all taxes levied in any year in any county, city, village, school district or other taxing district, under the provisions of this and the two preceding sections and sections 5649-2 and 5649-3 of the General Code as herein enacted, exceed fifteen mills.

Result.

SECTION 2. From and after the passage of this act no county auditor, assessor or other officer shall place upon the tax list or duplicate for taxation as of the year nineteen hundred and ten, or as of any year preceding said year, any personal property which should have been assessed for taxation as of such year but which was not returned for

Section 5403-1.

Subsequent additions prohibited and changes in valuations not allowed.

taxation therein; nor shall any such officer change in any manner the valuation of the year nineteen hundred and ten, or for any preceding year, of personal property returned for taxation in such year, any act heretofore passed to the contrary notwithstanding; and all acts and parts of acts insofar as they relate to the assessment and valuation of personal property for taxation for the year nineteen hundred and ten, or any preceding year, and insofar as they are inconsistent with the provisions of this section are hereby repealed.

SECTION 3. That sections 7575, 7924, 7925, 7926, 7927, 7929, 7986, 5649-2, 5649-3 and 5649-5 of the General Code, and all acts and parts of acts inconsistent with the purposes of this act be and the same are hereby repealed.

Repeals.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN,

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 2nd, 1911.

JUDSON HARMON,
Governor.
135

[House Bill No. 594.]

AN ACT

To amend section 50 of the General Code relating to the salary and mileage of the members of the General Assembly.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 50 of the General Code be amended to read as follows:

Sec. 50. Every member of the General Assembly shall receive as compensation a salary of one thousand dollars a year during his term of office. Such salary for such term shall be paid in the following manner:—two hundred dollars in monthly installments during the first session of such term and the balance of such salary for such term at the end of such session.

Salary.

Each member shall receive two cents per mile each way for mileage once a week during the session from and to his place of residence, by the most direct route of public travel to and from the seat of government, to be paid at the end of each regular or special session. If a member is absent without leave, or is not excused on his return, there shall be deducted from his compensation the sum of ten dollars for each day's absence.

Mileage.

SECTION 2. That section 50 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.
Passed May 18th, 1911.

IN THE HOUSE OF REPRESENTATIVES.

Passed over the veto of the Governor, two-thirds of the House concurring May 31st, 1911.
Attest: CHAS. W. KEMPLE,
Clerk.

IN THE SENATE.

Passed over the veto of the Governor, two-thirds of the Senate concurring May 31st, 1911.
Attest: W. V. GOSHORN,
Clerk.
136

[House Bill No. 378.]

AN ACT

To provide for the inventory of state property.

Be it enacted by the General Assembly of the State of Ohio:

Section 21-1. SECTION 1. That the officers in charge of all state departments, and the board of each state institution, shall cause a full and accurate inventory, in duplicate, to be taken at the close of each fiscal year, which shall specify all the various kinds of personal property and the value thereof, the number of acres of land, and the value thereof, the number and kind of buildings, and the value thereof. Said inventory to be made for the board of each state institution by the officer in charge thereof; which inventory shall be signed by such officer in charge of each state department, and by the officer making the same for the board of each state institution. Such inventory shall be certified as being correct by the officer in charge of each state department, and by the board of each state institution for which said inventory is made; one copy of which shall be made in a proper record book to be kept for that purpose in each state department and institution returning said inventory; the other shall be filed in the office of the auditor of state on or before the fifteenth day of December following. A summary of each inventory made shall be published in the report of the institution of that year and a sufficient number of copies furnished the secretary of state in the

Inventory of state property.

following December for each member of the general assembly; and not less than fifty copies for the governor of the state. Provided, further, that each officer in charge of all state departments, and the board of each state institution shall file with the auditor of state in the month of September nineteen hundred and eleven a complete inventory as herein described.

Institutions.

SECTION 2. The governor shall cause all of the property, real and personal, in charge of the board of each state institution to be appraised on oath by three disinterested and competent appraisers, one of whom shall be an architect, and one shall be a civil engineer; and not more than two of such appraisers shall be members of any one political party. Said appraisers shall be appointed for that purpose by the governor of the state of Ohio. The valuation fixed by such appraisers shall be the value returned in the inventory to be filed in the month of September nineteen hundred and eleven, by the board of each state institution and shall be the basic value in all inventories thereafter returned by the board of each state institution. All depreciations of value shall thereafter be noted in each item and the value of all improvements thereafter shall be fixed by the cost price of the same.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 3. Said appraisers shall receive the sum of six dollars each per day and their actual traveling expenses when engaged in making said appraisement. The bills of the appraisers for per diem and expenses shall be approved by the governor before warrants for their payment are issued.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Section one (1).
Approved June 5th, 1911.

JUDSON HARMON,
Governor.
137

June 5, 1911.

To the General Assembly:

House Bill No. 378, "To provide for the inventory of state property", in addition to a full and accurate inventory of all the various kinds of property belonging to each state department and institution at the close of each fiscal year, provides also in section 2 and 3 thereof for an appraisement of such property by three persons to be appointed by the Governor, one to be an architect and one a civil engineer. These appraisers are to receive six dollars a day in addition to their expenses.

Finding when I took office that no such inventory had ever been made in most of the state institutions and depart-

ments, I directed that they be made in such of them as were under the control of the Governor and to insure like action in the future I have always advocated a law to that end. The bill drawn at my direction contained other valuable provisions which I do not find in this bill, looking to the supervision of the disposal of chattel property by a central authority in order to prevent loss to the state by sales at inadequate prices, and to prevent purchases being made when needs could be supplied by articles already on hand. However, this can be accomplished by the Central Board.

I do not, however, see the necessity for going to the great expense involved in the appraisement of all the real estate, buildings, machinery, supplies, etc., in the numerous departments and institutions of the state which will never be sold.

On account of these objections, I file herewith sections 2 and 3 with the Secretary of State without my approval.

JUDSON HARMON,
Governor.

I have this day made public the fact of the filing in my office of the above sections and the written objections thereto.

CHAS. H. GRAVES,
Secretary of State.

June 6th, 1911.

[House Bill No. 163.]

AN ACT

To amend sections 281, 1600, 1601, 1602, 1603, 1604, 1981, 1982, 2093, 2624, 2626, 2627, 2628, 2685, 2764, 2766, 2767, 2778, 2780, 2845, 2846, 2848, 2886, 2896, 2900, 2901, 2902, 2903, 2978, 2979, 2983, as amended April 30, 1910; 5396, 5597, 5623, 5695, 5738, 5771, 6086, 6526, 7458, 7594, 9270 and 13460, and to repeal sections 2577, 2849, 2851, 2897, 2998, 6525, and 3362 of the General Code, relating to the fees and compensation of the county auditor, county treasurer, probate judge, sheriff, clerk of courts and recorder.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 281, 1600, 1601, 1602, 1603, 1604, 1981, 1982, 2093, 2624, 2626, 2627, 2628, 2685, 2764, 2766, 2767, 2778, 2780, 2845, 2846, 2848, 2886, 2896, 2900, 2901, 2902, 2903, 2978, 2979, 2983 as amended April 30, 1910, 4830, 5396, 5597, 5623, 5695, 5738, 5771, 6086, 6526, 7458, 7594, 9270 and 13460 of the General Code be amended to read as follows: that section 1603 be further amended by adding thereto a supplemental section to be known as section 1603-1 and to repeal section 6525 of the General Code.

Compensation of auditor.

Sec. 2624. On all moneys collected by the county treasurer on any tax duplicates of the county, other than the liquor and cigarette duplicates, the county auditor on settlement semi-annually with the county treasurer and auditor of state, shall be allowed as compensation for his services the following percentages:

On the first one hundred thousand dollars one and one-half per cent.; on the next two million dollars five-tenths of one per cent.; on the next two million dollars four-tenths of one per cent.; and on all further sums, one-tenth of one per cent. Such compensation shall be apportioned ratably by the county auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, corporations and school districts.

Compensation of auditor.

Sec. 6086. The county commissioners shall allow the county auditor compensation for the discharge of the duties imposed upon and performed by him under this chapter, as follows:

On all moneys collected by the county treasurer upon settlements semi-annually with the county treasurer and auditor of state, one per cent.

Such compensation shall be apportioned ratably by the county auditor and deducted from the shares or portions of revenue payable to the state as well as in the county, townships and corporations.

Filing statements of tax-payers returned by assessors.

Sec. 5396. The county auditor, in filing the statements of the taxable personal property of the individual tax-payers, as returned by the assessors, in pursuance of law, shall file the statements returned from the different assessing districts in separate bundles, alphabetically arranged, each district by itself, instead of filing each statement separately.

Fees.

The auditor shall be allowed and paid out of the county treasury, the sum of one dollar for filing the statement of taxable personal property, in each assessing district in his county.

Certified report of each institution or taxing district.

When made and what it shall contain.

Sec. 281. A financial report of each public institution or taxing district for each fiscal year shall be made in accordance with forms prescribed by the chief inspector and supervisor. The report shall be certified by the proper officer or board, filed with the bureau within thirty days after the close of the fiscal year, and contain the following: amount of collections and receipts, and accounts due from each source; amount of expenditures for each purpose; income of each public service industry owned or operated by a municipality, and the cost of such ownership or operation; amount of public debt of each taxing district, the purpose for which each item of such debt was created, and the provision made for the payment thereof. Each county auditor shall receive for his services in making such report the sum of fifty dollars, to be paid out of the county treasury upon the allowance of the county commissioners and to be credited to said auditor's fee fund.

Sec. 5623. The county auditor of a county in which any of such municipal corporations are located shall be secretary to such board, and in addition to his other duties provided by law, shall be present at each meeting of the board in person or by deputy. He shall keep a correct record of the proceedings of the board in a book to be kept for that purpose, and perform such other duties as the board may order, or as may be incident to his position.

County auditor, secretary.

Sec. 5597. Each member of the quadrennial county board of equalization, including the county auditor and the county surveyor, shall be entitled to receive for each day necessarily employed in the performance of his duties, including his duties as member of the board of revision, the sum of three dollars.

Compensation.

Sec. 9270. Such appraisers, upon the allowance of the commissioners shall be paid by the county three dollars per day and their necessary expenses, for the time actually employed in the business of their appointment.

Appraiser's fees.

Sec. 7458. The compensation for services of superintendent shall be subject to the agreement of the board of directors, not to exceed two dollars and fifty cents per day for the time actually employed, and shall be paid out of the turnpike fund.

Compensation of superintendent.

Sec. 2626. The county auditor may also charge and receive fees as follows: For certificate of sale of school land, to be paid by the purchaser, twenty-five cents; for certificate of payment of installment into the treasury on school lands, to be paid by the purchaser, fifteen cents; for final certificate of payment for school lands, to be paid by the purchaser, seventy-five cents; for deeds of land sold for taxes to be paid by the purchaser, one dollar; for the transfer of an entry of land, lot, or part of lot, to be paid by the person requiring it, ten cents; but the whole amount of fees for transfers of real estate described in any one deed, plat, or other instrument, shall not exceed one dollar and fifty cents.

County auditor's fees.

Sec. 2627. For services under the free turnpike laws where a road has been granted and road commissioners appointed to lay out, locate, and construct it, each county auditor shall receive the following fees, to be paid from the county treasury: For recording the proceedings of the county commissioners, apportionment of road commissioners and all other recording required in making a complete record, for each hundred words, eight cents, where figures are used, three figures to be counted as one word.

Sec. 2628. For services under the improved road laws, each county auditor shall receive the following fees, to be paid from the county treasury: For recording papers, proceedings, apportionments, and all other recording required in making up a complete record of improved roads, for each one hundred words, eight cents, where figures are used, three figures to be counted as one word.

Sec. 2685. On settlement semi-annually with the

County treasurer's fees.

county auditor, the county treasurer shall be allowed as fees on all moneys collected by him on any tax duplicates other than the liquor and cigarette duplicates, the following percentages: On the first one hundred thousand dollars, one and one-half per cent.; on the next two million dollars, five-tenths of one per cent.; on the next two million dollars, four-tenths of one per cent.; and on all further sums, one-tenth of one per cent. Such compensation shall be apportioned ratably by the county auditor and deducted from the shares or portion of the revenue payable to the state as well as to the county, township, corporations and school district; and on all moneys collected on liquor and cigarette duplicate, one per cent. on all moneys collected otherwise than on the said duplicates, except moneys received from the state treasurer or his predecessors in office, or his legal representatives or the sureties of such predecessors, and except moneys received from the proceeds of the bonds of the county or of any municipal corporation, five-tenths of one per cent. on the amount so received, to be paid upon the warrant of the county auditor out of the general fund of the county.

Collection of taxes.

Sec. 5695. The county treasurer shall forthwith collect the taxes and penalty on the duplicate by any of the means provided by law, and the funds so collected shall be distributed in proper proportions to the appropriate funds.

Apportionment on sale of forfeited lands.

Sec. 5771. The county auditors shall apportion to their several funds, and pay over to the county treasurer of the proper county, the amount of moneys received from the sale of lands and town lots forfeited to the state for the non-payment of taxes.

Levy by board of education certified to auditor by first Monday in June.

Sec. 7594. The amount of the levy fixed by the boards of education under the next eight preceding sections, shall be certified to the county auditor, in writing, on or before the first Monday in June of each year by the boards of education, and on or before the first Monday in August of each year by the county commissioners when the levy is made by them, who shall assess the entire amount upon all the taxable property of the district, and enter it upon the tax duplicate of the county. The county treasurer shall collect it at the time and in the same manner as state and county taxes are collected, and pay it to the treasurer of the district upon the warrant of the county auditor.

Tax certificate shall be surrendered, when.

Sec. 5738. Upon the demand of the purchaser, or his legal representative, and the surrender of the tax certificate, and upon the payment of the auditor's fees, the county auditor shall draw his warrant upon the county treasurer in favor of such purchaser, or his legal representative, for the amount of money so deposited as hereinbefore provided, with the treasurer.

Itemized account of fees filed with county auditor.

Sec. 1600. In each case, examination or proceeding, the probate judge shall make and file, an itemized account of fees by him received or charged therein. On the first day of September, in each year, he shall make and file with

the auditor of his county an account, duly verified by him, of all fees charged or received by him during the next preceding year, distinguishing between those paid and those not paid. If he fails or neglects to perform the duties imposed in this section, the judge shall forfeit and pay, for each such failure or neglect, not less than ten dollars nor more than two hundred dollars, to be recovered by action in the name of the State. At the instance of any person, such action shall be instituted and prosecuted by the prosecuting attorney.

Penalty on failure.

Sec. 1601. The fees enumerated in this section shall be charged and collected by the probate judge and shall be in full for all services rendered in the respective proceedings: For appointment of administrator, executor, guardian for minor, except guardian ad litem, assignee or trustee, five dollars and fifty cents; for copy of will for executor or administrator with the will annexed, per one hundred words, ten cents; for appointment of guardian of drunkard, idiot, imbecile or lunatic, eight dollars; for injunction proceedings, two dollars and fifty cents; for inventory when there is no appraisement, one dollar and fifty cents; for inventory with appraisement, four dollars; for public sale bill, two dollars and fifty cents; for petition to sell personal property at private sale, and sale bill, three dollars; for petition for sale of real estate, twelve dollars; for each account, four dollars and fifty cents; for account of final distribution, two dollars; for statement in lieu of final account, two dollars; for petition for removal of administrator, executor, guardian, assignee or trustee, five dollars; for application for administrator or executor for allowance of claim, two dollars and fifty cents; probating will, five dollars; for election of widow or widower, two dollars; and for appointment of commissioner to take election, two dollars additional; for deposit of will, one dollar; for marriage license, one dollar; for execution, fifty cents; for petition for adoption of child, three dollars and fifty cents; for petition to change name, three dollars; petition to lease and improve real estate, application and settlement of claim by wrongful death, application and order to complete contract, application to lease for oil, gas, clay or mineral, application to invest in productive real estate, application to borrow money and mortgage real estate, each five dollars; for application and order to loan unclaimed money, two dollars, for application of new or additional bond, one dollar; for application and order for release of any surety or reduction of bond, two dollars; for application and order to record receipts, two dollars; for application, order and report of distribution of assets in kind two dollars; for application for record of foreign will, one dollar and fifty cents; for application to compound, sell or dispose of desperate claims and report thereon, two dollars and fifty cents; for appointment of commissioners to take deposition of witnesses to wills or election of widow, one dollar and fify cents; for recording physician certificates, fifty cents;

Fees of probate judge.

for hearing in ditch cases, five dollars per day; for record in excess of fifteen hundred words in the following matters at the rate of ten cents per hundred words: inventory, sale bill, account, will and petition to sell real or personal property; when a contest of appointment is instituted or exceptions filed in any of the proceedings named in this section, for additional services made necessary thereby, the same fees as are provided for the clerk of the court of common pleas for like services.

Provided, however, that in estates, the assets of which do not exceed two hundred dollars in value the total fees of the probate judge chargeable against such estate shall not exceed ten dollars.

Sec. 1602. The fees enumerated in this section shall be paid to the probate judge out of the county treasury upon the warrant of the county auditor, which shall issue upon the certificate of the probate judge and shall be in full for all services rendered in the respective proceedings: for each inquest of lunacy when the person is committed to a state hospital or to relatives, eight dollars; when the person is discharged, five dollars; for the return of an insane person to a state hospital or removal therefrom, one dollar; for each inquest of epilepsy, when a person is committed, eight dollars; when application is not granted, five dollars; for return of an epleptic insane person to a state hospital or removal therefrom, one dollar; for proceedings for committing a person to the institution for feeble-minded, eight dollars; for proceedings for sending or committing a persin to the state school for the deaf or blind, five dollars; for proceedings against a juvenile disorderly person under the provision of section 7774, when commitment is made, five dollars; when child is discharged or judgment suspended, three dollars; for holding an examining court under section 13531, when defendant is held to be insane or idiotic, eight dollars; for proceedings on habeas corpus when a person is confined under color of proceedings in a criminal case and is discharged, five dollars; when acting as a judge of the juvenile court, for each case filed against a delinquent, dependent or neglected child, two dollars and fifty cents; for proceedings to take child from parent or other person, having control thereof, two dollars and fifty cents; for appointment of examiners of the county treasury, three dollars; for appointment of each county school examiner, two dollars; for appointment of each member of the board of county visitors, one dollar; for appointment of each blind relief commissioner, two dollars; for the report of judicial statistics to the secretary of state the same fees as are allowed to the clerk of courts. Upon the certificate of the probate judge and the warrant of the county auditor the probate judge shall receive from the county treasury to be credited to his fee fund his legal fees for services in criminal cases wherein the state fails to convict or the defendant proves insolvent, but not more than

Fees of probate judge, and how paid.

three hundred dollars shall be allowed for services rendered in any one year of his term.

Sec. 1603. For other services for which compensation is not otherwise provided by law, the probate judge shall be allowed the same fees as are allowed the clerk of the court of common pleas for similar services.

Fees for other services.

Sec. 1603-1. When the aggregate amount of fees and allowances collected by the probate judge in any calendar year exceeds by more than ten per centum the amount necessary to pay the salaries of said probate judge, deputies, assistants, clerks, bookkeepers and other employes of his office, including court constables, for the same calendar year, such probate judge may, by an order entered on his journal, provide for a reduction or discount of all the fees and allowances required to be charged and collected by him for the use of the county by fixing a stated percentage of discount which shall be applied to all the earnings of said office for the whole of the ensuing year and shall constitute the legal fees of said office for said year. Provided that such order shall in no wise be held to affect the aggregate amount of fees and allowances of said office as the same may be used as a basis of arriving at a limitation on clerk hire of said office as the same is required to be fixed by county commissioners under section 2980 of the General Code.

When fees exceed salaries.

Proviso.

Sec. 1604. The probate judge shall administer oaths, and make certificates in pensions and bounty cases, without compensation.

Administering oaths in pension cases.

Sec. 13460. Fines imposed by the probate court in criminal cases, and the costs thereof, including the fees of the judge thereof, shall be collected in like manner as fines and costs are collected by the court of common pleas in criminal cases.

How fines collected.

Sec. 2900. For the services hereinafter specified, when rendered, the clerk shall charge and collect the fees provided in this and the next following section and no more: For docketing each cause in appearance docket, ten cents; for docketing each execution in execution docket, ten cents; for docketing each transcript of judgment in execution docket, ten cents; for indexing each cause in the execution or appearance docket each plaintiff and each defendant, five cents; for filing each præcipe, pleading, subpœna, cost bill and other necessary document, five cents; for noting the filing of same, except subpœna and præcipe therefor, on the appearance docket, each, five cents; for taking each affidavit including certificate and seal, twenty-five cents; for issuing each writ, order or notice, except subpœna, thirty cents; for noting the issue of same on appearance docket, each, five cents; for recording return of same on appearance docket, each, ten cents; for issuing subpœna, each name, five cents; for taking undertaking, bond or recognizance, twenty-five cents; for impaneling and swearing jury, each cause, fifty cents; for swearing each witness, five cents; for entering attendance of each witness, ten cents; for certifying fees

County clerk's fees.

of each witness, five cents; for entering each cause on the trial or motion docket and indexing same, each term, ten cents; for each entry on journal per one hundred words or fraction thereof, ten cents; for indexing same, five cents; for posting same on appearance docket, ten cents; for entering on the indictment any plea, ten cents; for polling a jury, twenty-five cents.

County clerk's fees.

Sec. 2901. For making cost bill to be taxed but once, forty cents; for making complete record in each cause, ten cents per hundred words; for indexing same, each cause, ten cents; for recording plat the same fees as are allowed the county recorder for like services; for making copies of pleadings, process, record, or files, including certificate and seal, ten cents per hundred words; for indexing pending suits, each plaintiff or defendant, five cents; for indexing living judgments, each plaintiff or defendant, five cents; for noting on appearance docket papers mailed, each defendant, five cents; for certificate (on penitentiary cost bill) that execution was issued, twenty-five cents; for receiving and disbursing money, other than costs and fees, paid to such clerks in pursuance of an order of court or on judgments, and which has not been collected by the sheriff or other proper officer on order of execution, to be taxed against the party charged with the payment of such money, a commission of one per centum on the first one thousand dollars and one-fourth of one per centum on all exceeding one thousand dollars; for entering on cash book costs received in each cause, twenty-five cents; for acknowledging deed or other instrument of writing, forty cents; for recording commission of justice of the peace, mayor, notary public or railroad policeman, fifty cents; for cancellation of railroad policeman's commission, fifty cents; for issuing any license, fifty cents; for issuing certificates to receiver or order of reference with oath, seventy cents; for certificates of fact under seal of the court, to be paid by the party demanding same, thirty-five cents; for certificate of deposit on foreign writ, certificate of opening deposition, certificate for attorneys' fee, certificate for stenographer's fee, each ten cents.

Sec. 2902. Upon the certificate of the clerk and the allowance of the county commissioners, the clerk shall receive from the county treasurer to be credited to his fee fund, his legal fees for services in criminal cases wherein the state fails to convict and in misdemeanors upon conviction wherein the defendant proves insolvent, but not more than three hundred dollars shall be allowed for such services rendered in any one year of his term. No such certificate shall be approved by the county commissioners until the clerk has made the report to and settled with them as required by law.

County clerk's fees.

Sec. 2903. The clerk shall receive out of the county treasury upon the allowance of the county commissioners the following fees: for writing names for jury wheel, each one hundred names, one dollar; for issuing venire, each

name thereon, five cents; for drawing and certifying jurors to a magistrate or probate judge, except in appropriation cases, each name, five cents; for impaneling and swearing grand jury, fifty cents; for entering the attendance of each juror, ten cents; for certifying fees of each juror, ten cents; for each entry on journal relating to an appointment authorized by law to be made by the court, per one hundred words or fraction thereof, ten cents; for each entry on journal required by law to be made, and not otherwise provided for, per one hundred words or fraction thereof, ten cents; for each entry on journal relating to grand jury, per one hundred words or fraction thereof, ten cents; for indexing each journal entry, five cents; for two certified lists of persons committed and bailed, per one hundred words, ten cents; for filing praecipe for grand jury witnesses, each, five cents; for filing subpoena for grand jury witnesses, each, five cents; for issuing subpoena for grand jury witnesses, each name, five cents; for swearing each grand jury witness, five cents; for issuing and filing certificate of qualification, each grand jury witness, five cents; for entering attendance of each grand jury witness, five cents; for certifying fees of each grand jury witness, five cents; for filing report of grand jury, five cents; for keeping general indexes, direct and reverse, of all judgments, each judgment debtor or creditor, five cents; for performing all services required by law in relation to unclaimed costs and moneys, for each name on the list filed with the county auditor, ten cents; for furnishing publishers copies of notices of times of holding common pleas and circuit courts, each paper, fifty cents; for reporting annually to the county commissioners the amount of fines assessed by the court, each cause, five cents; for reporting annually to the auditor of state the collection of costs in penitentiary cases, each cause, five cents; for making copy of trial docket for printer and indexing same, each cause, ten cents; for filing coroner's inquests and indexing same, ten cents; for journal entries opening and closing court, each day, ten cents; for certificate for court constable's salary, per month, ten cents; for certificate of appointment of stenographer, twenty-five cents.

County clerk's fees.

Sec. 2896. For making such annual report, the clerk is entitled to the following fees: For each case reported, not exceeding one hundred cases, twenty-five cents; and for every additional case, ten cents. For failure to make such report within the time above limited, a clerk shall forfeit twice the amount of the fees to which he would be entitled, which amount the county commissioners shall deduct from his compensation at their first session after such time, if the report has not been made.

County sheriff's fees.

Sec. 2845. For the services hereinafter specified, when rendered, the sheriff shall charge and collect the following fees and no more: For the service and return of the following writs and orders: Execution when money is made without levy or when no property is found, seventy-five

cents; when levy is made on real property, for the first tract, two dollars and fifty cents; and for each additional tract, fifty cents; when levy is made on goods and chattels, including inventory, two dollars and fifty cents; writ of attachment of property, except for purpose of garnishment, two dollars and fifty cents; writ of attachment for the purpose of garnishment, seventy-five cents; writ of replevin, two dollars and fifty cents; warrant to arrest, each person named in the writ, one dollar; attachment for contempt, each person named in the writ, seventy-five cents; writ of possession or restitution, two dollars and fifty cents, subpoena, each person named in the writ, twenty-five cents, venire, each person named in the writ, twenty-five cents; summoning each juror, other than on venire, ten cents; writ or partition, one dollar and fifty cents; order of sale on partition, for the first tract, two dollars and fifty cents; and for each additional tract fifty cents; other order of sale of real property, for the first tract, two dollars and fifty cents; and for each additional tract, fifty cents; administering oath to appraisers forty cents each, for furnishing copies for advertisements ten cents the hundred words, copy of indictment, each defendant, fifty cents; all summons, writs, orders or notices, for the first name, seventy-five cents; and for each additional name, twenty-five cents; in addition to the fee for service and return the sheriff shall be authorized to charge on each summons, writ, order or notice, except as otherwise specifically provided by law, a fee of eight cents per mile going and returning, provided, that where more than one person is named in such writ, mileage shall be charged for the shortest distance necessary to be traveled; taking bail bond, twenty-five cents; jail fees for receiving, discharging or surrendering each prisoner, to be charged but once in each case, fifty cents; taking a prisoner before a judge or court per day, seventy-five cents; calling action, ten cents; calling jury, ten cents; calling each witness, five cents; bringing up on habeas corpus, one dollar; poundage on all moneys actually made and paid to the sheriff on execution, decree or sale of real estate, on the first ten thousand dollars, one per centum; on all sums over ten thousand dollars one-half of one per centum, but when such real estate is bid off and purchased by a party entitled to a part of the proceeds, the sheriff shall not be entitled to any poundage except on the amount over and above the claim of such party, except in writs of sale in partition he shall receive one per cent. on the first two thousand dollars, and one-third of one per cent. on all above that amount coming into his hands; making and executing a deed of land sold on execution, decree or order of court, to be paid by the purchaser, two dollars. When any of the foregoing services are rendered by an officer or employe whose salary or per diem compensation is paid by the county other than from the sheriff's fee fund, the legal fees provided for such services in this section shall

be taxed in the costs in the case and when collected shall be paid into the general fund of the county.

Sec. 2846. Upon the certificate of the clerk and the allowance of the county commissioners the sheriff shall receive from the county treasury in addition to his salary his legal fees for services in criminal case wherein the state fails to convict and in misdemeanors upon conviction where the defendant proves insolvent, but not more than three hundred dollars shall be allowed for the services rendered in any one year of his term. The fees of the sheriff in cases of lunacy, epilepsy, feeble-minded, boys' industrial school, girls' industrial home, school for blind, school for deaf, and for serving subpœnas for grand jury witnesses, and summoning jurors, except in appropriation cases, shall be paid out of the county treasury upon certificate of the proper officer of the court in which the services were rendered.

County sheriff's fees.

Sec. 4830. For services performed under this title the sheriff shall receive the following fees: from the county treasury to be credited to his fee fund: For advertising the election, twenty-five cents for each election precinct but not less than fifty cents for each township in the county. Mileage at the rate of eight cents a mile for the distance actually traveled.

Sec. 2848. In all cases in which an attachment is issued, the freeholders required to be called by the sheriff to appraise property shall be allowed such fees for their services as the court directs.

Sec. 1981. The probate judge shall make a complete record of all proceedings in lunacy. The costs and expenses, other than the fees of the probate judge and sheriff, to be paid under the provisions of this chapter, shall be as follows: To each of the two physicians designated by the court to make examination and certificate, five dollars, and witness fees as allowed in the court of common pleas; to witnesses the same fees as are allowed in the court of common pleas; to the person other than the sheriff or deputy sheriff making the arrest, the actual and necessary expense thereof and such fees as are allowed by law to sheriffs for making arrests in criminal cases; to the person other than the sheriff, deputy sheriff or assistant, for taking any insane person to state hospital or removing one therefrom upon the warrant of the probate judge, mileage at the rate of five cents per mile, going and returning; and for the transportation of each patient to or from the hospital, mileage at the rate of two cents per mile; to one assistant to convey to the hospital, when authorized by the probate judge, two dollars and, two cents per mile each way; all mileage allowed herein shall be for the distance actually and necessarily traveled.

Fees, costs and expenses in lunacy cases.

Sec. 1982. When it appears at the time of conveying such person to the hospital that the condition of the patient so requires, a conveyance may be provided from the nearest railroad station, or in counties where state hospitals are located, from the county seat to the hospital, and the ex-

Providing conveyance.

pense thereof and the costs and expenses specified in the preceding section shall be paid from the county treasury upon the certificate of the probate judge.

Compensation for person other than sheriff or other officer.

Sec. 2093. The person other than the sheriff, deputy sheriff or other officer receiving a fixed salary from the county, shall receive as compensation for delivering a youth to the school, two dollars, two cents per mile each way from his home to the school by the usual route of travel and in addition thereto his actual and necessary expenses incurred, to be paid out of the county treasury upon the certificate of the proper officer of the court which committed him and the warrant of the county auditor, unless convicted of a crime the punishment of which is confinement in the penitentiary, in which case the costs in the case and the expense of his transportation upon a like certificate shall be paid out of the state treasury.

Sec. 6526. The sheriff shall receive the same fees as for like services in other cases.

Indexes by county recorder, direct and inverse.

Sec. 2764. At the beginning of each day's business the recorder shall make and keep up general alphabetical indexes, direct and reverse, of all the names of both parties to all instruments theretofore received for record by him. The volume and page where such instrument shall be recorded may be omitted until such instrument is actually recorded if the file number of such instrument be entered in place thereof, but such file number may be omitted from any index volume now in use if the form thereof is not adapted to entering such file number; said indexes shall show the kind of instrument, the date thereof, the range, township and section or the survey number and the number of acres, or the lot and sublot number and the part thereof, all as the case may require, of each tract or lot of land described in any such instrument of writing; the name of each grantor shall be entered in the direct index under the appropriate letter followed on the same line by the name of the grantee, or if there be more than one grantee, then by the name of the first grantee followed by the words "and others" or their equivalent; and the name of each grantee shall be entered in the reverse index under the appropriate letter followed on the same line by the name of the grantor, or if there be more than one grantor, then by the name of the first grantor followed by the words "and others" or their equivalent; in all cases of deeds, mortgages or other instruments of writing made by any sheriff, master commissioner, marshal, auditor, executor, administrator, trustee or other officer, for the sale, conveyance or incumbrance of any lands, tenements or hereditaments, and recorded in the recorder's office, the recorder shall index the parties to such instrument under their appropriate letters, respectively, as follows: first the name or names of the person or persons represented by such officer as owner or owners of the lands, tenements or hereditaments described in any such instruments of writing; second, the official designation of the officer by whom such instrument of writing

was made; and third, the individual name or names of the officer or officers by whom such instrument of writing was made; this section shall not be construed so as to affect any general alphabetical index now in use in any county of the state except that all volumes of such indexes commenced after the passage of this act shall be in conformity to the provisions of this section, and whenever, in the opinion of the county commissioners, it becomes necessary to transcribe, on account of its worn out or incomplete condition, any volume of such index now in use, the same shall be revised and transcribed to conform herewith; except that in counties having a sectional index in conformity with section 2766 such transcript shall be only a copy of the original.

Sectional indexes.

Sec. 2766. When in the opinion of the commissioners of any county sectional indexes are needed, and they so direct, in addition to alphabetical indexes provided for in section twenty-seven hundred and sixty-four, they may provide for the making in books prepared for that purpose, sectional indexes to the records of all real estate in the county, beginning with some designated year and continuing through such period of years as they may specify, by placing under the heads of the original surveyed sections or surveys, or parts of a section or survey, squares, subdivisions or lots, on the left hand page, or on the upper portion of such page of such index book, first the name of the grantor or grantors; second, next to the right, the name of the grantee or grantees; third, the number and page of the record where the instrument is found recorded; fourth, the character and date of the instrument, to be followed by a pertinent description of the property conveyed by the deed, lease or assignment of lease; and on the opposite page, or on the lower portion of the same page beginning at the bottom, in like manner, all the mortgages, liens or other incumbrances affecting said real estate.

Period of years.

Compensation.

The compensation for the services rendered under this section shall be paid from the general revenue fund of the county and no additional levy shall be made in consequence thereof. And in the event that the county commissioners decide to have such sectional index made then such commissioners shall advertise for three consecutive weeks in one newspaper of general circulation in the county and for sealed proposals to do said work as provided herein, and shall let said work to the lowest and best bidder, and shall require him to give bond for the faithful performance of the contract, in such sum as the said commissioners may fix, and said work shall be done to the acceptance of the bureau of uniform accounting of this state upon allowance by such commissioners; and such commissioners shall have power to reject any and all bids therefor, provided that no more than five cents shall be paid for each entry of each tract or lot of land.

Indexes shall be kept up.

Sec. 2767. When brought up and completed, the recorder shall keep up the general indexes described in the next preceding section.

Fees for recording deeds and mortgages.

Sec. 2778. For the services hereinafter specified, the recorder shall charge and collect the fees provided in this and the next following section. For recording mortgage, deed of conveyance, power of attorney or other instrument of writing, twelve cents for each hundred words actually written, typewritten or printed on the records and for indexing it, five cents for each grantor and each grantee therein; for certifying copy from the record, twelve cents for each hundred words. The fees in this section provided shall be paid upon the presentation of the respective instruments for record or upon the application for any certified copy of the record.

Certified copy.

Fees for transcribing records.

Sec. 2780. For services directed to be performed by the county commissioners in transcribing the records of other counties, and for transcribing defaced or injured records, the recorder shall receive not exceeding six cents for each hundred words, each figure to count as one word for transcribing defaced or injured records of plats, not exceeding fifty cents for the first six lines and three cents for each additional line. For the purpose of this chapter, a line shall be such portion of the record as can be drawn by a continuous stroke of the pen regardless of intersecting lines; for keeping up said indexes as provided in section twenty-seven hundred and sixty-seven, ten cents for the entry of each tract or lot of land. All compensation provided for in this section shall be paid out of the county treasury upon the allowance of the county commissioners and the warrant of the county auditor and shall be paid into the county treasury to the credit of the recorder's fee fund. The commissioners shall allow the recorder his necessary expenses in transcribing records in other counties.

Receipt for fees.

Sec. 2978. Each probate judge, auditor, treasurer, clerk of courts, sheriff and recorder, shall charge and collect the fees, costs, percentages, allowances and compensation allowed by law, and shall give to the person making payment thereof an official receipt in manner and form as may be prescribed by the bureau of inspection and supervision of public officers.

Annual report of fees of county officers to be filed with prosecuting attorney Jan. 15th or before.

Sec. 2979. On or before January 15th annually, each of said officers shall file with the prosecuting attorney of his county, a report in writing showing the amount of fees, percentages, penalties, allowances and other perquisites due his office from each person or corporation which has remained due and unpaid for more than one year prior to January 1st, next preceding, and it shall be the duty of the prosecuting attorney to immediately proceed to collect the same by any of the means provided by law, and to pay the amount so collected into the county treasury to the credit of the general county fund. The county auditor shall not issue his warrant to either of said officers for his salary for the month of January in any year, until said report has been filed with the prosecuting attorney as herein required.

Payment of fees, etc., into treasury quarterly.

Sec. 2983. At the end of each quarter, each such officer shall pay into the county treasury on the warrant

of the county auditor, all fees, costs, penalties, percentages, allowances and perquisites of whatever kind collected by his office during such quarter, for his official services, which money shall be kept in separate funds by the county treasurer, and credited to the office from which they were received for the sole use of the treasury of the county in which such officers are elected and shall be held as public moneys belonging to such county and accounted for and paid over as provided in Division III. Fees and Salaries, Chapter 1.

SALARIES COUNTY OFFICERS.

Chapter 2. Fees and Costs.
Chapter 3. Fee commission of the General Code.

Sec. 2983-1. Each section of this act and every part thereof, is hereby declared to be independent sections, and parts of sections, and the holding of any section or part thereof to be void or ineffective for any cause, shall not be deemed to affect any other section or part thereof. Independent sections.

SECTION 2. That said original section 281, 1600, 1601, 1602, 1603, 1604, 1981, 1982, 2093, 2624, 2626, 2627, 2628, 2685, 2764, 2766, 2767, 2778, 2780, 2845, 2846, 2848, 2886, 2896, 2900, 2901, 2902, 2903, 2978, 2979, 2983, 4830, 5396, 5597, 5623, 5695, 5738, 5771, 6085, 6525, 6526, 7458, 7594, 9270, 13460, 2577, 2849, 2851, 2897, 2998, and 3362 of the General Code be, and the same are hereby repealed. Repeals.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

All of the above bill except section (2983) twenty-nine hundred and eighty-three.

Approved June 7th, 1911.

JUDSON HARMON,
Governor.

138

To the General Assembly:

I herewith file with the Secretary of State unapproved section 2983 of the General Code contained in Amended House Bill No. 163, "To amend sections 281, 1600, 1601, 1602, 1603, 1604, 1981, 1982, 2093, 2624, 2626, 2627, 2628, 2685, 2764, 2766, 2767, 2778, 2780, 2845, 2846, 2848, 2886, 2896, 2900, 2901, 2902, 2903, 2978, 2979, 2983, as amended April 30, 1910; 5396, 5597, 5623, 5695, 5738, 5771, 6086, 6526, 7458, 7594, 9270 and 13460, and to repeal sections 2577, 2849, 2851, 2897, 2998, 6525 and 3362 of the General Code, relating to the fees and compensation of the county auditor, county treasurer, probate judge, sheriff, clerk of courts and recorder".

My objections are that this section is also contained in Senate Bill No. 141, passed May 17, 1911, approved May

25, 1911, and that its provisions in the law just mentioned are more specific and better calculated to serve the purpose in mind, though the section is substantially the same in both that law and this bill.

JUDSON HARMON,
Governor.

June 7, 1911.

I have this day made public the fact of the filing in my office of the above section and written objections thereto.

CHAS. H. GRAVES,
Secretary of State.

June 7th, 1911.

[Senate Bill No. 147.]

AN ACT

To amend sections 9918 of the general code relative to the county payments for farmers' institutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9918 of the general code be amended so as to read as follows:

Farmers' institute meetings.

Sec. 9918. When a society so organized has held an annual farmers' institute meeting in accordance with the rules of the state board of agriculture, the secretary of such board shall issue certificates, one to the president of the farmers' institute society and one to the president of the state board, setting forth such facts. On the presentation of such certificates to the county auditor, he, each year, shall draw orders on the treasurer of the county as follows:

Expenses, state and local.

one in favor of the president of the state board of agriculture for one hundred and seventy-five dollars ($175.00), and one in favor of the president of each farmers' institute society in the county, holding meetings under the auspices and by the direction of the state board, for not to exceed thirty-one dollars and twenty-five cents ($31.25), to pay necessary local expenses, and the treasurer of the county shall pay them from the county fund. But in no county

Limitation.

shall the total annual sum exceed three hundred dollars ($300.00), nor shall the payment to a farmers' institute society exceed the expenses, as per detailed statement provided in the following section.

SECTION 2. That said original section 9918 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.

[Senate Bill No. 211.]

AN ACT

To provide for the sale and lease of such portions of the abandoned Walhonding canal lands as now remain unsold.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The board of public works and the chief engineer of the public works, subject to the approval of the governor and attorney general, be and they are hereby authorized to sell or lease the portions of the abandoned Walhonding canal lands that lie north of lock No. 5 of said canal, in Coshocton county, Ohio, in accordance with the provisions of the statutes of Ohio governing the selling and leasing of other canal lands.

Authority to lease or sell portions of Walhonding canal lands.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Govenor.
140

[Senate Bill No. 212.]

AN ACT

To abandon certain portions of the Ohio canal and to provide for the selling and leasing of the lands connected therewith.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the portion of the Ohio canal commencing at the junction of said canal with what is known as the Dresden Side Cut near Trinway in Muskingum county, Ohio, and extending thence southwesterly to the southerly end of the aqueduct across Raccoon creek in West Newark, Licking county, Ohio, also that portion of said Ohio canal commencing at the flume that connects Buckeye lake with said Ohio canal at the west end of said reservoir in Fairfield county, Ohio, and extending thence southwesterly and southerly with the line of said Ohio canal to its junction with the Ohio river, near Portsmouth in Scioto county, Ohio, be and the same is hereby abandoned for canal purposes.

Portions of Ohio canal abandoned.

SECTION 2. That the state board of public works and the chief engineer of the public works, acting jointly, shall cause such surveys to be made of said canal property as in their judgment is necessary for the purpose of carrying out the provisions of this act, together with such maps and plats of the same as will facilitate the selling or leasing of said

Surveys.

canal lands, which plats shall be preserved as permanent records in the office of the state board of public works.

Appraisement, lease and sale.

SECTION 3. As soon as such surveys and plats have been completed, the state board of public works and the chief engineer of public works, acting as a joint board, shall proceed to appraise, and lease or sell, as they may deem for the best interest of the state, subject to the approval of the governor and attorney general, said canal lands, except as hereinafter noted, in strict conformity with the various provisions of the statutes of Ohio relating to the leasing and selling of state canal lands, except that the grant of such leases shall be for a term of not less than fifteen nor more than twenty-five years, and that the bed and banks of said abandoned canal property may be included in any lease of such canal lands.

Reservation.

SECTION 4. The portion of said Ohio canal lying between Raccoon creek and Buckeye lake in Licking county, Ohio, shall be reserved as a hydraulic raceway for the purpose of supplying water to parties desiring to purchase the same from the state, but the berme and towing path embankments of this portion of the canal may be leased for any purpose not inconsistent with its use for such purposes.

Reservation.

SECTION 5. The portion of said Ohio canal between the flume at Buckeye lake and a point a short distance south of Lockbourne, Ohio, to be determined by the chief engineer of the public works, shall be reserved as a possible feeder in case the Scioto river should be canalized in any scheme of improvements to connect Lake Erie with the Ohio river, but the berme and towing path embankments of this portion of the canal may be leased for any purpose not inconsistent with its use as a feeder for the purpose above mentioned.

Authority of commissioners to remove bridges and make grades.

SECTION 6. The county commissioners of any county, likewise the council of any municipality, through which said abandoned canal passes, shall have the right to remove all existing bridges crossing any portion of said abandoned canal over which public highways or the streets of any municipality pass, and to grade such highways and streets by filling and grading across the channel and banks thereof, but must provide for all necessary drainage underneath the same; there is, however, reserved to the state of Ohio, its lessees, grantees, and their assigns, an unobstructed right-of-way, for any and all purposes, across the land occupied by the highways and streets extending across said abandoned canal, as provided for above.

Reservation.

Expense accounts to be verified and approved.

SECTION 7. All accounts of expenses incident to surveying, platting and monumenting said abandoned canal lands, together with the necessary expenses of advertising, selling or leasing the same, shall be verified and approved by the chief engineer and the board of public works, and paid out of the canal funds, or other funds provided for the survey of canal lands, and the auditor of state is hereby directed to credit back to the fund or funds from which

such payments are made, a like amount in any sum not to exceed twenty thousand dollars ($20,000.00) from the receipts derived from the sale and leases of said lands.

Prior action not affected.

SECTION 8. Nothing in this act shall interfere with any leases, rights or privileges heretofore granted by the state of Ohio and in force at the date of approval of this act.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
141

[House Bill No. 584.]

AN ACT

To abandon for canal purposes the slack water in the Scioto river through the city of Columbus, Ohio, and to transfer certain rights therein to the city of Columbus.

WHEREAS, The state of Ohio about the year 1833 appropriated the bed and banks of the Scioto river for canal purposes from the site of the state dam across such river near the foot of Main street to a point opposite the north line of the present penitentiary grounds in the city of Columbus, Franklin county, Ohio, and,

WHEREAS, The city of Columbus, Ohio, is desirous of improving and beautifying such stream by constructing and maintaining boulevards along portions of the banks thereof and of raising the water in the channel of such stream so as to make boating for launches and other water craft thereon safe and practical, and,

WHEREAS, The city of Columbus has borne the expense of maintaining the levees along the west bank of said river for more than half a century and thereby saving the state thousands of dollars in claims for damages, therefore,

Be it enacted by the General Assembly of the State of Ohio:

Abandonment of section of canal in city of Columbus.

SECTION 1. That the slack water in the Scioto river from what is known as the state dam across such stream near the foot of Main street in the city of Columbus, Franklin county, Ohio, and extending northward to the north line of the present penitentiary grounds, be and the same is hereby abandoned for canal purposes.

SECTION 2. That so much of the bed and banks of said Scioto river in the city of Columbus, Franklin county, Ohio, between the points named in section one of this act be, and

Transfer to city of Columbus for certain purposes with obligations.

the same is, hereby transferred to the city of Columbus, Ohio, for boulevard, boating, park, playground and other strictly public purposes, but for no other purpose or purposes, upon the condition that such city of Columbus enter upon such premises and make substantial improvements thereon for the purposes above named within three years from the date of the approval of this act, and that such city forever maintain the existing levees on the west bank of such river, and such city shall prevent the discharge of sewerage into the channel of such river, and the placing of matter of any kind therein tending to render the stream insanitary.

State dam.

SECTION 3. The said city of Columbus is also authorized to take charge of the state dam across such river and maintain and improve or reconstruct the same in any manner that will be for the best interests of the public, and the

Powers of city council.

city council of such city shall have power to prescribe by ordinance such rules and regulations for the navigation of boats upon the channel of such stream as it may deem necessary, and prescribe reasonable penalties for the violation of such ordinances.

State's right to resume control.

SECTION 4. The state of Ohio shall have the right to resume the use of the water and banks of such river whenever it is required for canal purposes, or whenever it is required in any scheme for canalizing the Scioto river, and in either case the state may resume control and use of any dam located on the site of the present dam or any other dam either above or below the present structure.

When act shall take effect.

SECTION 5. This act shall be in full force and effect whenever the council of the city of Columbus by a vote of not less than two-thirds of the members thereof shall signify its acceptance of this grant upon the terms and conditions specified in this act.

SECTION 6. Whenever any portion of the banks or stream herein transferred is used for any other purpose than the purposes specified in this act, it shall immediately

Reversion.

revert to the state of Ohio.

SECTION 7. This grant is made subject to all leases and rights heretofore granted by the state of Ohio that

Limitation.

may be in force at the date of the approval of this act.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
142

[Senate Bill No. 215.]

AN ACT

To provide for a fine or the imprisonment, or both, of parties removing or destroying monuments or markers of any kind set to define survey lines and boundaries of any state lands.

Be it enacted by the General Assembly of the State of Ohio:

Section 12480-1.

SECTION 1. Whoever removes, displaces or destroys any monument, marker, post or stake set by any engineer or surveyor, acting under the direction of the state board of public works, the chief engineer of the public works or the engineer of the canal land department, to define the survey lines or boundary lines of any state land, shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not more than thirty days, or both.

Penalty for removal of mark, etc.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.

143

[House Bill No. 603.]

AN ACT

To authorize the location of a high school building on the Ohio state university campus.

Be it enacted by the General Assembly of the State of Ohio:

Section 7950-1.

SECTION 1. The construction of a high school building on the campus of the Ohio state university is hereby authorized upon such terms as may be agreed upon by the trustees of the Ohio state university and the board of education of the city school district of the city of Columbus, Ohio, and such high school shall be used as an observation and practice school by the college of education of the Ohio state university upon the terms and conditions as agreed upon by the said board of trustees and the said board of education.

High school on campus of Ohio state university.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

At no time shall the state of Ohio be called upon to assist in defraying the expenses of conducting or repairing such school.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.

144

[House Bill No. 619.]

AN ACT

Authorizing the auditor of state to issue duplicate warrants on the state treasury.

Be it enacted by the General Assembly of the State of Ohio:

Duplicate warrants authorized.

SECTION 1. That the auditor of state is hereby authorized to issue duplicate warrants on the state treasury, as follows, the originals of which have been lost or destroyed:

Warrant No. 20789 favor of Captain Charles E. Frye, series 1910, for $85.00.

Warrant No. 17355 favor of F. M. McCleary, series of 1910, for $1.90.

Warrant No. 16980 favor of Central District and Printing Telegraph Company, series 1910, for $26.65.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.
145

[Senate Bill No. 15.]

AN ACT

To provide for the election to, and assembling of a convention to revise, alter, or amend the constitution of the state of Ohio.

WHEREAS, At the general election held in this state, on the first Tuesday after the first Monday in November in the year one thousand nine hundred and ten, the question, "Shall there be a convention to revise, alter, or amend the constitution?" was submitted to the electors of the state, and a majority of all the electors voting thereat decided in favor of a convention; and

WHEREAS, In such case it is made the duty of the general assembly at its next session, to provide by law for the election of delegates to, and the assembling of such convention; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Election.

Number of delegates.

SECTION 1. That the qualified electors of each county in this state shall on the first Tuesday after the first Monday in November, A. D., 1911, assemble at their usual places of voting, and proceed to elect a number of dele-

gates, having the qualifications of an elector, to said convention, equal to the number of representatives which such county or district was entitled to elect to the house of representatives of the seventy-ninth general assembly of Ohio.

Proclamation by sheriff.

SECTION 2. That said election shall be proclaimed by the sheriffs of the several counties, and shall in all respects be conducted, the returns thereof made, and the result thereof certified, as is provided by law in case of the election of representatives to the general assembly; provided, if two or more candidates at such election have each enough votes to elect and each an equal number of votes for delegate, the election shall be determined by lot, as provided by law in case of county officers.

Time and place of assembly.

SECTION 3. That the delegates so elected shall assemble in the hall of the house of representatives, in the city of Columbus, on the second Tuesday of January, A. D. 1912, at 10 o'clock a. m., with authority to adjourn to any place or places within this state for holding of the convention; and may, for the purpose of a temporary organization, be called to order by the oldest member present. They shall be entitled to the privileges of senators and representatives, named in section 12, article 11, of the constitution.

Privileges

Rules and regulations.

SECTION 4. Said convention shall have authority to determine its own rules of proceeding, and to punish its members for disorderly conduct, to elect such officers as it may deem necessary for the proper and convenient transaction of the business of the convention, and to prescribe their duties; to make provisions for the publication of its proceedings, or any part thereof, during its session; to provide for the publication of the debates and proceedings of the convention, in durable form, and for the securing of a copyright thereof for the state; and to fix and prescribe the time and form and manner of submitting any proposed revision, alterations or amendments of the constitution to the electors of the state; also the notice to be given of such submission.

Publication of proceedings.

Notice—submission to electors.

Election, returns and canvass of votes.

SECTION 5. The election at which said submission shall be made, shall be held and conducted the same as elections for members of the house of representatives, so far as practicable, and the vote cast for and against such proposed revision, alterations, or amendments, and those cast for and against each of the same separately submitted, shall be entered on the tally sheet, counted, certified, transmitted and canvassed, and the result thereof declared in the manner prescribed by law for the counting, certifying, transmitting, and canvassing, of votes cast for the election of members of the house of representatives so far as applicable. And all the provision of the laws relative to elections shall apply to said election as far as applicable.

Nomination by petition.

SECTION 6. Candidates for members of the constitutional convention shall be nominated by nominating petitions only.

Who eligible as candidate.

SECTION 7. In any county, any qualified elector of said county may be nominated as a candidate for member

of the constitutional convention for said county upon a petition in writing addressed to the county board of deputy state supervisors of elections, signed by not less than two per cent. of the qualified electors of said county, or by such as will be legally qualified electors at the election to be held on the first Tuesday after the first Monday in November, 1911. And the said percentage of two per cent. shall be based on the number of those who voted at the last preceding general election. In no case shall the number of signers to a petition be less than three hundred.

Two per cent.

SECTION 8. Signers of said petitions shall insert in them the names and addresses of such persons as they desire to the number of five as a committee who may fill vacancies caused by death or withdrawals. Nominations made by such committee shall not be received by the board of deputy state supervisors of elections unless said nominations as well as the petitions under which they are made are filed with said board on or before the last day for filing petitions as herein provided.

Committee to fill vacancies.

Time of filing.

SECTION 9. Such petitions shall contain a provision to the effect that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose nomination is therein requested. Each elector signing a petition shall add to his signature his place of residence in his own handwriting (unless he cannot write and his signature is made by mark), which shall include street and number when there is a street and number. No elector may sign his name to more than one nominating petition for each office to be filled; and where an elector has signed his name to more than one petition, his name shall not be counted on any of the petitions. Nothing herein shall be construed, however, to prevent more than one nominee being nominated by any one petition up to the number of members of the convention to which the said county is entitled.

Pledge of signers.

Shall not sign more than one petition.

SECTION 10. Each petition need not necessarily consist of but one paper, but five of the signers to each separate paper shall swear before a notary public, or other officer entitled to administer oaths, that the petition is bona fide in every respect to the best of his knowledge and belief, and the certificate of such oath shall be annexed. If in any case the said paper shall contain less than five signers, then as many shall swear to the validity of the paper as there are signers thereto.

Petition may consist of more than one paper.

Verification.

SECTION 11. Besides containing the names of the candidates, all petitions shall specify as to each candidate:

Specifications.

1. That he is a candidate for the office of member of the constitutional convention for the county in which the signatures are obtained.

2. His place of residence, with street and number thereof, if any.

3. A declaration by the candidate that he will qualify if elected.

A petition may also contain a statement to the effect that the candidate to be nominated is in favor of or opposed to the separate submission to the people by the convention of the alternative questions: "Shall the constitution provide for the licensing of the traffic in intoxicating liquors; or shall the constitution prohibit the licensing of the traffic in intoxicating liquors."

Statements as to intoxicating liquors.

There may be filed with each petition, one of the two following statements signed by the candidate or candidates sought to be nominated; but if neither of said statements is so filed, the board of deputy state supervisors of elections shall not on that account refuse to file the said petition:

Statement No. 1. I hereby state to the people of Ohio, as well as to the people of my county, that during my incumbency of the office of delegate to the constitutional convention, I will always vote for a separate submission to the people as a separate part of the constitution, of the alternative questions: "Shall the constitution provide for the licensing of the traffic in intoxicating liquors, or shall the constitution prohibit the licensing of the traffic in intoxicating liquors?"

.....

Signature of nominee for candidate.

Statement No. 2. I hereby state to the people of Ohio, as well as to the people of my county, that I am not in favor of the separate submission to the people, as a separate part of the constitution, of the alternative questions: "Shall the constitution provide for the licensing of the traffic in intoxicating liquors, or shall the constitution prohibit the licensing of the traffic in intoxicating liquors?"

.....

Signature of nominee for candidate.

When either of said statements is signed by the candidate or candidates, and the petition nominating said candidate or candidates is thereafter found by the board of deputy state supervisors of elections to be valid in all respects, then over the name of such candidates as placed upon the ballot as a heading, in case said candidate signed statement No. 1, there shall be printed the words: "Favors separate submission license clause." In case said candidate signed statement No. 2, there shall be printed on the ballot as a heading over the name of said candidate: "Opposes separate submission license clause."

Statement on head of ballot.

SECTION 12. Nominating petitions shall be filed with the board of deputy state supervisors of elections of each county not less than thirty nor more than sixty days prior to the day of election.

Time of filing petitions.

SECTION 13. When so filed, the petitions shall be preserved and be open under proper regulations to public inspection, and if they are in entire conformity with the provisions of this act and all other provisions of law not in-

Open to public inspection.

consistent herewith, they shall be deemed to be valid unless objection thereto is duly made in writing within five days after the filing thereof. Such objections or other questions arising in the course of the nominations of said candidates, shall be considered by the board of deputy state supervisors of elections of the county, and its decision shall be final.

Laws.

SECTION 14. All of the provisions of the law, providing generally for nominations by petition, shall be applicable wherever not inconsistent herewith.

Preparation of ballot.

SECTION 15. The names of candidates for members of the constitutional convention, nominated as provided herein, shall be placed on one independent and separate ballot, without any emblem or designation except the statement referring to separate submission of the question as herein provided, and the name or names of the candidates for election and the number to be elected.

Arrangement of names and printing of ballots.

SECTION 16. The ballot for members of the constitutional convention shall be prepared and printed as follows: The whole number of ballots to be printed for the county shall be divided by the number of candidates for members of constitutional convention, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of candidates shall be arranged in alphabetical order and the first series of ballots printed. Then the first name shall be placed last and the next series printed, and the process shall be repeated in the same manner until each name shall have been first. These ballots shall then be combined in tablets with no two of the same order of names together, except where there is but one candidate.

Vacancies.

SECTION 17. Any vacancy occurring among the delegates by death, resignation or otherwise, shall be filled in the manner provided by law for filling a vacancy in the office of representative.

Journal and proceedings filed and kept in office of secretary of state.

SECTION 18. The journal and proceedings of said convention shall be filed and kept in the office of secretary of state. Said secretary of state shall furnish said convention with all needed stationery, and shall do such other things relative to the distribution and publication of matter pertaining to the convention as it may require. He shall forthwith cause such number of copies of this act to be published and transmitted to the electors several boards in the state as will be sufficient to supply a copy thereof to each board of judges of election in their respective counties, and such election boards shall distribute the same to such boards of judges of election.

Information by officers.

SECTION 19. It shall be the duty of every state, county, and municipal officer in the state, to transmit without delay any information at his command which the convention (or general assembly), by resolution or otherwise, may require of him; and if any officer shall fail or refuse to comply with any requirement of this section, he shall forfeit and

pay the sum of three hundred dollars for the benefit of common schools, to be recovered in any court of competent jurisdiction, in the name of the state of Ohio, by the prosecuting attorney of the proper county, whose duty it shall be to prosecute all cases of delinquency under this section coming to his knowledge or of which he shall be informed. Penalty for failure to comply with order.

SECTION 20. Any elector of the state shall be eligible to membership in such convention and any disqualification now imposed by law upon persons holding any other office under the laws of the state is hereby removed, in so far as the right to be a delegate to such convention is concerned. The delegates of the convention shall be entitled to the same compensation and mileage for their services as is allowed by law to members of the general assembly for one year, and the officers and employees of the convention, as far as practicable, shall be entitled to the same compensation for their services as is allowed by law for similar services to officers and employees of the general assembly; and compensation for all such services shall be paid out of the state treasury on the warrant of the auditor of the state: Provided, an additional allowance may be made to the official reporters of the convention if deemed proper. And no warrant shall issue on the state treasury for such compensation, or for money for uses of the convention, except on the order of the convention and certificate of the presiding officer thereof. Who eligible to membership. Compensation. When warrant shall issue.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.
146

[House Bill No. 314.]

AN ACT

To amend section 2108 of the General Code, relating to conveyance of girls to the Girls' Industrial Home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2108 of the General Code be amended to read as follows:

Sec. 2108. At the time named in the order, the probate judge shall hear the testimony presented before him in the case. If it appears to his satisfaction that the girl is a suitable subject for the industrial home, he shall commit her thereto, and issue his warrant to some suitable wom- Hearing.

Shall be conveyed to home by suitable woman.

an to be appointed by him, commanding her to take charge of the girl and deliver her without delay to the superintendent of the home. If the judge deems it advisable so to do, he may designate the sheriff or other male person to accompany such girl and her custodian. This section shall be construed to apply to all courts having authority to commit to the Girls' Industrial Home.

SECTION 2. That said original section 2108 of the General Code be and the same is repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.
147

[House Bill No. 620.]

AN ACT

To amend section 3761 of the General Code, relative to sprinkling of streets in municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3761 of the General Code be amended to read as follows:

"Owner" defined.

Sec. 3761. The term "owner", within the meaning of these provisions for such treatment with oil, or sprinkling with water, shall be held to include the legal or equitable owner, the person in whose name the property may be assessed for taxation on the tax duplicate, or a tenant giving satisfactory guaranty that the assessment against the property signed for will be paid, or the board of education having the control of any school property, and any such board of education is authorized to provide for sprinkling with water or treatment with oil any street abutting on such property by private contract, and pay for the same as other contingent expenses.

SECTION 2. That said original section 3761 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved, June 6th, 1911.

JUDSON HARMON,
Governor.
148

[House Bill No. 323.]

AN ACT

To amend section 8024 of the General Code, relating to the adoption of children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8024 of the General Code, be amended to read as follows:

Sec. 8024. Any proper person not married, or a husband and wife jointly, may petition the probate court of their proper county, or the probate court of the county in which the child resides, for leave to adopt a minor child not theirs by birth, and for a change of the name of such child. A written consent must be given to such adoption by the child, if of the age of fourteen years, and by each of his or her living parents who is not hopelessly insane, intemperate, or has not abandoned such child, or if there are no such parents, or if the parents are unknown, or have abandoned the child, or if they are hopelessly insane or intemperate, then by the legal guardian, or if there is no such guardian, then by a suitable person appointed by the court to act in the proceedings as the next friend of the child.

Who may petition for adoption of minor child.

Written consent required.

SECTION 2. That said original section 8024, be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor
149

[House Bill No. 321.]

AN ACT

To authorize the state board of public works, by and with the approval of the governor and attorney general to sell certain real estate in Pickaway county to Norfolk & Western Railway Company.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That, it appearing from a recent examination that the real estate hereinafter described is not necessary for canal purposes, the state board of public works by and with the approval of the governor and attorney general, be and it is hereby empowered to sell at private sale to Norfolk & Western Railway Company, its successors and assigns, the following real estate, to-wit:

Authority to sell real estate in Pickaway county.

Description.

Situated in Pickaway county, Ohio, commencing at a point in the east water line of the Ohio and Erie canal, opposite Station O plus 80 of J. W. Stump's survey of the encroachments of the Norfolk & Western Railway Company's railway on the berme bank of said canal, which point is in the north line of High street in the city of Circleville, in said county, and running thence S. 57° 30′ E. twelve and four-tenths (12.4) feet to a point in the berme bank of said canal, as located by Mr. F. E. Booton, engineer of the canal land department of the state board of public works, on June 28th, 1910, said point being in the west line of property recently conveyed to the said railway company, under authority of the act of May 10, 1910 (101 O. L. 308); thence northwardly with the berme bank and the west line of said property, the following courses and distances: N. 40° 58′ E. one hundred and twenty (120) feet to a T rail; thence N. 39° 40′ E. one hundred (100) feet to a T rail; thence N. 38° 34′ E. one hundred feet to a T rail; thence N. 32° 59′ E. one hundred (100) feet to a T rail; thence N. 24° 14′ E. one hundred (100) feet to a T rail; thence N. 17° 19′ E. one hundred (100) feet to a T rail; thence N. 16° 55′ E. one hundred (100) feet to a T rail; thence N. 16° 25′ E. eighteen hundred (1,800) feet to a T rail; thence N. 15° 58′ E. one hundred (100) feet to a T rail; thence N. 15° 22′ E. one hundred (100) feet to a T rail; then N. 13° 28′ E. one hundred (100) feet to a T rail; thence N. 9° 20′ E. one hundred (100) feet to a T rail; thence N. 6° 27′ E. one hundred (100) feet to a T rail; thence 5° 50′ E. one hundred feet to a T rail; thence N. 5° 10′ E. twenty-six hundred (2,600) feet to a T rail; thence N. 3° 58′ E. two hundred feet to a T rail; thence N. 0° 3′ E. two hundred (200) feet to a T rail; thence N. 2° 35′ W. three hundred (300) feet to a T rail; thence N. 3° 14′ W. one thousand (1,000) feet to a T rail; thence N. 3° 55′ W. four hundred (400) feet to a T rail; thence N. 6° 52′ W. two hundred (200) feet to a T rail; thence N. 8° 28′ W. four hundred (400) feet to a T rail; thence N. 10° 5′ W. one thousand (1,000) feet to a T rail; thence N. 9° 17′ W. three hundred (300) feet to a T rail; thence N. 9° 50′ W. seven hundred and twenty-four and nine-tenths (724.9) feet to a T rail; thence N. 10° 3′ W. two hundred and ninety-five and two-tenths (295.2) feet to a T rail; thence N. 9° 44′ W. twelve hundred (1,200) feet to a T rail; thence N. 9° 39′ W. one thousand and three-tenths (1,000.3) feet to a T rail; thence N. 9° 46′ W. nine hundred and ninety-nine and seven-tenths (999.7) feet to a T rail; thence N. 9° 47′ W. seven hundred and ninety-nine and five-tenths (799.5) feet to a T rail; thence N. 13° 44′ W. one hundred and five-tenths (100.5) feet to a T rail; thence N. 23° 47′, W. two hundred and eleven and five-tenths (211.5) feet to a crow foot cut on the east face of headwall of stone culvert which carries the water of Mud Run under said canal; thence S. 64° 15′ W. twenty (20) feet, more or less, to the

edge of water in said canal; thence southwardly with the edge of water in said canal and twelve and twelve-hundredths (12.12) feet from the above described berme bank line, fifteen thousand and forty (15,040) feet, more or less, to the place of beginning, containing four and two-tenths (4-2) acres, more or less, comprising what is known as the berme bank of said canal.

Reservation.

SECTION 2. There is hereby reserved to the state of Ohio an easement in said 12.12 foot strip for a berme embankment for the purpose of restraining the waters of the Ohio canal within its proper channel, but for no other purpose.

Condition.

SECTION 3. Said conveyance is to be made upon the condition that said Norfolk & Western Railway Company pay into the state treasury to the credit of the general revenue fund the sum of five thousand dollars ($5,000.00).

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.
150

[House Bill No. 397.]

AN ACT

To provide for the appointment of a physician for the Girls' Industrial Home.

Be it enacted by the General Assembly of the State of Ohio:

Section 2103-2.

SECTION 1. That subject to the approval of the board of trustees the chief matron of the Girls' Indstrial Home shall appoint a capable and experienced woman physician who shall reside at the home. She shall give the necessary medical attention to the inmates and also have charge of their instruction in physiology, hygiene and physical culture. The board of trustees shall fix the salary which shall not be less than twelve hundred nor more than eighteen hundred dollars per year.

Woman physician for home.

Salary.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN,
Attorney General.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.
151

[House Bill No. 465.]

AN ACT

To abolish the office of superintendent of the Girls' Industrial Home.

Be it enacted by the General Assembly of the State of Ohio:

Section 2103-1. Office of superintendent abolished. Chief matron.

SECTION 1. That the office of superintendent of the Girls' Industrial Home is hereby abolished. The board of trustees shall appoint a chief matron who shall have executive charge of said institution with all the powers and duties now or hereafter given by law to or imposed on superintendents of public institutions, in so far as the same are applicable. Such chief matron shall receive an annual salary of not less than twelve hundred nor more than two thousand dollars, as may be determined by the board.

Salary.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. This act shall supersede all acts or parts of acts which are inconsistent herewith.

SECTION 3. This act shall be in effect on and after the first day of July, 1911.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.
152

[House Bill No. 452.]

AN ACT

To amend section 12087 relating to contest of will.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12087 of the General Code be amended to read as follows:

Limitation of action to contest will.

Sec. 12087. An action to contest a will or codicil shall be brought within one year after it has been admitted to probate, but persons within the age of minority, of unsound mind, or imprisoned, may bring such action within one year after such disability is removed; provided, however, that this act shall not apply to wills probated before the passage of this act.

SECTION 2. That said original section 12087 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.

153

[House Bill No. 550.]

AN ACT

To amend section 2938 of the General Code relative to certified lists of those allowed relief and disbursements.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2938 of the General Code be amended to read as follows:

Sec. 2938. Upon the conclusion of such examination and the determination of the monthly allowance, the relief commission shall make a complete list of those to whom relief has been so awarded, showing the monthly amount awarded to each person, and, so far as practicable, the place of residence of each, and certify it to the auditor of the county. Within ten days thereafter the county auditor shall transmit to the township clerk, in his county, a list of the names of the persons in the respective townships, and the amount payable monthly to each, and on the first day of each month after the fund is ready for distribution, the auditor shall issue to the treasurer of each township his warrant upon the treasurer of the county for the amount awarded to the persons in such township, and the township treasurer shall disburse such moneys in the amounts and to the persons named in the list furnished to the township clerk, taking receipts therefor. But in townships embracing a county seat, in which the office of county treasurer is kept, the county treasurer shall disburse such fund to the persons entitled to same, upon the voucher of the soldiers relief commission, properly authorized by the county auditor.

Certified list of those allowed relief.

Disbursement.

SECTION 2. That said original section 2938. of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.

154

[Senate Bill No. 143.]

AN ACT

To amend sections 3577 and 3578 of the general code relating to the detachment of territory and unplatted farm lands from municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3577 and 3578 of the general code be amended to read as follows:

Petition for detachment of lands, and attachment to contiguous township.

Sec. 3577. Upon petition of a majority of the freehold electors owning lands in any portion of the territory of a municipality, accurately described in such petition with an accurate map or plat thereof, praying to have such portion of territory detached therefrom the commissioners of the county in which such portion of territory is situated, with the assent of the council of the municipality given in an ordinance passed for that purpose, shall detach such portion of the territory therefrom and attach it to any township contiguous thereto, or, if the petition so requests, they shall erect the territory into a new township, the boundaries of which need not include twenty-two square miles of territory:

May form new township.

Apportionment of indebtedness.

Provided that the commissioners shall first ascertain and apportion the amount of existing indebtedness of the municipal corporation from which the detachment is made and which shall be assumed and paid by the township contiguous thereto and to which the territory is detached or by the new township, if a new township is erected, or by the corporate successors of such township, and such apportionment shall be made in proportion to the tax duplicate for the detached territory transferred to a contiguous township erected into a new township to the total tax duplicate for the remaining portion of the municipality from which the detachment is made; and to ascertain, adjust and divide between the contiguous township or the new township, if a new township is erected, and the remaining portion of said municipality all moneys and other credits belonging to the municipality in the same proportion as is above provided for division and apportionment of any indebtedness, and to order the amount so adjusted and divided to be paid or delivered by the parties in possession thereof to the proper officers of the contiguous township or new township and to the remaining portion of said municipality; and

Proviso.

Provided further that after such apportionment is made each section of the original territory by which the indebtedness was incurred shall be primarily liable for the portion of the indebtedness so apportioned; and

Provided further that in the issuing of bonds under sections 3939 to 3954, both inclusive, of the general code, and in arriving at the limitations imposed in such sections as amended May 10th, 1910, Vol. 101, page 432, of the laws

of Ohio, only the portion of the indebtedness apportioned to each section of territory shall be counted as the net indebtedness.

The petition, map, ordinance and the order of the commissioners certified by the county auditor shall be recorded in the plat book in the office of the county recorder, and as soon as the record is made the proceedings shall be complete, both as to the detaching of such territory from the municipal corporation and the annexation thereof to the township or the erection of the territory into the new township, and to the apportionment of the indebtedness; and, Record.

Provided further that wherever territory has been detached from municipal corporation and attached to a township or created into a new township, the trustees of such township, or, where such township has become a village or city or been annexed to any village or city, the council of such corporate successor of said township made by ordinance, duly passed, contract, through its proper officers, with the municipality from which the detachment was originally made to apportion the indebtedness of the original territory in the same manner as above described; said contract shall be made by ordinance or resolution, duly passed by the council of the village or city or trustees of the township, and the effect of said contract shall be the same as if such apportionment was originally made by the county commissioners, as above described.

Sec. 3578. The owner or owners of unplatted farm lands annexed to any municipality after the incorporation thereof may file a petition in the court of common pleas of the county in which the lands are situated, in which such owner or owners shall be named as plaintiffs, and the municipality shall be the defendant, setting forth the reasons why the land should be detached, and the relief prayed for. On the petition a summons shall issue as in other actions, and the case proceed as in other causes. Provided, however, that no such action shall be brought, or detachment ordered or decreed within five years from the time that such lands were annexed by any such municipality under the provisions of this or the preceding chapter. Petition for detachment and parties. Five-year limitation.

SECTION 2. That sections 3577 and 3578 of the general code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.

155

[House Bill No. 569.]

AN ACT

To supplement section 3063 of the General Code by additional sections to be known as sections 3063-1, 3063-2 and 3063-3 relating to the expenditure of money in "the memorial building fund."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3063 of the General Code be supplemented by the enactment of additional sections to be known as 3063-1, 3063-2 and 3063-3 of the General Code as follows:

"Memorial building fund" turned over to the state armory fund.

Sec. 3063-1. The money in the county treasury to the credit of "the memorial building fund" may, upon the order of the board of trustees, certified by the chairman and secretary, or the money in the county treasury raised for the purpose of erecting a monument in memory of those who died or were killed during the war of eighteen hundred and sixty-one, under the provisions of section twenty-four hundred and fifty-three of the General Code may, upon the order of the county commissioners, be paid over to the state armory board and shall be expended by such state armory board in connection with money from "the state armory fund" for the purpose of erecting an armory within the county, as is provided in sections five thousand two hundred and fifty-three to five thousand two hundred and seventy-one inclusive, of the General Code.

"Memorial."

Sec. 3063-2. The armory thus erected shall also be a "memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of the county," and shall be controlled by the state armory board; provided, that upon completion such state armory board may turn over to the county commissioners of the county, a designated portion thereof, upon such terms as to control and use as may be agreed upon between such board and county commissioners, and such commissioners shall provide for the equipment, decoration and furnishing thereof as is provided in section three thousand and sixty-eight of the General Code.

Equipment, furnishing, etc.

Abandonment, sale, purchase, etc.

Sec. 3063-3. If said building is abandoned for armory purposes and offered for sale, the county commissioners may purchase the same and shall be allowed as a credit on the purchase price a proportionate share of the amount of money turned over to the state armory board as herein provided, and thereafter the provisions of sections three thousand and fifty-nine to three thousand and sixty-nine inclusive, of the General Code shall apply. If not so purchased such proportionate share of the selling price shall be paid over to the county commissioners and shall be immediately credited to "the memorial building fund," or

monument fund under section twenty-four hundred and fifty-three of the General Code.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
156

[House Bill No. 364.]

AN ACT

To amend sections 6536, 6540, 6541, 6548, 6553, 6556 and 6557 of the General Code relating to joint county ditches.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6536, 6540, 6541, 6548, 6553, 6556 and 6557 of the General Code be amended to read as follows:

Joint ditches.

Sec. 6536. Ditches, drains or water courses which provide drainage, or, when constructed, will provide drainage for lands in more than one county, may be located, constructed, cleaned, repaired, straightened, widened, altered, deepened, boxed or tiled, as provided in this chapter and the laws prescribing for locating, constructing, cleaning, repairing, straightening, widening, altering, deepening, boxing or tiling single county ditches, drains or water courses.

Sec. 6540. When the board of county commissioners of an upper county shall cause to be located, constructed, cleaned, repaired, straightened, widened, altered, deepened, boxed or tiled, a ditch, drain or water course, the water from which flows into an adjoining county, or into, or finds an outlet in a ditch, drain or water course constructed, or being constructed in an adjoining county, or when the board of county commissioners of a lower county shall cause to be located, constructed, cleaned, repaired, straightened, widened, altered, deepened, boxed or tiled a ditch, drain or water course, which is, or may be, an outlet for a ditch, drain or water course of lands of an upper county, or which, by reason of a proposed improvement thereof, will provide better drainage, or a more sufficient outlet, drain or water course for lands of an upper county, or finds it necessary to locate, construct, clean, repair, straighten, widen, alter, deepen, box or tile a ditch, drain or water course of a lower county, in order to secure a sufficient and proper outlet for a proposed ditch, drain or water course of an upper county, the commissioners of such upper county shall pay the commissioners of such lower county such sum as is agreed upon by the commissioners

Payment by agreement for use and benefit.

of both counties for the use and benefit of such outlet. The commissioners of such upper county shall apportion such sum to the lands in their county, for whose benefit such ditch was or is constructed.

When agreement to be made.

Sec. 6541. Before work is begun in the construction, cleaning, repairing, straightening, widening, altering, deepening, boxing or tiling of a ditch, drain or water course in either of such counties, as provided in the next preceding section, the amount to be paid by the commissioners of the upper county to the commissioners of the lower county, for the use and benefit, or burden of such outlet, shall be agreed upon or determined at a joint meeting of the commissioners of the upper and lower counties upon the line or proposed line of such ditch, drain or water course.

May abandon improvement, when.

Sec. 6548. The commissioners of such upper county may, when such improvement is proposed by them, abandon such proposed improvement, if in their judgment the benefits to be derived therefrom are not of sufficient value to warrant the expenditure of money required for the construction thereof, together with the damages assessed and costs as provided in the next two preceding sections.

How sum used.

Sec. 6553. The sum so paid shall be used in the location, construction, straightening, widening, deepening, or cleaning of such outlet ditch, or for the location and construction of an outlet ditch in the lower county, if none exists.

Proceedings.

Sec. 6556. Proceedings for the location, construction, cleaning, repairing, straightening, widening, altering, deepening, boxing or tiling either of such ditches in either the upper or lower counties, whether or not they were originally constructed as joint ditches, or whether or not the ditch to be located and constructed might be a joint ditch, may be commenced and conducted in the manner provided in this chapter and the laws relating to single county ditches.

Sec. 6557. In addition to the procedure provided by law for the location, construction, cleaning, repairing, straightening, widening, altering, deepening, boxing or tiling of a ditch which furnishes, or may furnish, drainage for more than one county, proceedings shall be commenced and conducted in the manner provided by law for the location and construction of joint ditches, when a majority of each board of commissioners of such counties so agree.

SECTION 2. That sections 6536, 6540, 6541, 6548, 6553, 6556 and 6557 of the General Code be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage. S. J. VINING,

Speaker of the House of Representatives.

HUGH L. NICHOLS,

President of the Senate.

Passed 31st, 1911.

Approved June 7th, 1911.

JUDSON HARMON,

Governor.

157

[House Bill No. 379.]

AN ACT

To provide for the investment and disposition of the interest arising from the investment of a certain legacy left to the Ohio State School for the Blind.

Sarah Ann Kyle legacy.

WHEREAS, By the will of Sarah Ann Kyle of Carroll county, Ohio, the Ohio State School for the Blind and the Ohio State School for the Deaf were made residuary legatees of her estate; and

WHEREAS, The estate of the such testatrix has been settled in accordance with such will and pursuant to a decree of the court of common pleas of Carroll county and the circuit court of the seventh district of the state of Ohio; and

WHEREAS, By the terms of the such settlement there have come into the hands of the board of trustees of the Ohio State School for the Blind the sum of one thousand, five hundred, eighty-five dollars ($1,585.00); and

WHEREAS, From the statement of the scrivener who wrote the will it appears that the intent of the such testatrix was to benefit "those poor people," meaning thereby the blind and deaf, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of the Ohio State School for the Blind be authorized, empowered, and directed hereby forthwith to invest the such one thousand, five hundred, eighty-five dollars ($1,585) in such manner as to provide proper security and to yield as large an interest return as possible, and to keep such sum so invested, and that the income arising from such investment be used for the sole purpose of assisting worthy needy blind persons who have been students of the Ohio State School for the Blind to secure a start in life by loaning money to such persons, under proper rules and regulations.

Investment.

SECTION 2. And, that for the purpose of this benevolence the board of trustees of the state school for the blind shall appoint an advisory committee of three well-known and competent graduates of the Ohio State School for the Blind, one to serve for three years, one to serve for two years, and one to serve for one year, each from the date of appointment, and thereafter one to be appointed annually to serve for three years, and the duties of such advisory committee shall be to investigate the conditions surrounding any benevolence proposed under the terms of this act and to make recommendations to the board of trustees as to the proper action thereon.

Advisory committee; duties.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.

[House Bill No. 425.]

AN ACT

Creating a commission to have charge of installing and maintaining an exhibit of the products and resources of the state of Ohio at the Panama-Pacific International Exposition, and appropriating money to pay the expenses thereof.

Be it enacted by the General Assembly of the State of Ohio:

Governor as commissioner.

SECTION 1. The governor of the state of Ohio is hereby appointed a commissioner, to be known as the Panama-Pacific International Exposition Commissioner, for the purpose of installing, maintaining and exhibiting the products and resources of this state at an international exposition to be held in the city of San Francisco, in the year nineteen hundred and fifteen, known as the Panama-Pacific International Exposition; and as such commissioner he shall have full and exclusive charge and control of said exhibit, and the maintenance and installation thereof, with power to appoint and employ deputy commissioners, and all other persons necessary for the purpose of carrying out the provisions of this act, upon such terms and salaries as he shall deem to be fair and reasonable.

The governor shall receive no compensation for his services, but shall receive his actual expenses incurred in the discharge of his duties in connection with said exposition.

Appropriation.

SECTION 2. The sum of two thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of paying the expenses of said commissioner and any deputy or commissioner appointed by him to visit the Panama-Pacific exposition site in the city of San Francisco, California, and select a location for a state building in which to properly house and exhibit the products of this state at said exposition and for such other expenses as may be properly incurred in carrying out the provisions hereof; and the state auditor is hereby directed to draw his warrant on the general fund from time to time for such portions of said two thousand dollars, and in favor of such persons as the governor of the state shall designate, and the state treasurer is hereby directed and empowered to pay the same.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.

[House Bill No. 360.]

AN ACT

To amend sections 13071, 13072, 13077 and 13079 and to repeal section 13078 of the General Code defining and punishing the crime of maintaining and operating bucket shops.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 13071, 13072, 13077 and 13079 of the General Code, be amended to read as follows:

Sec. 13071. Whoever, being a corporation or person, whether acting individually or as a member, an officer, agent or employe of a corporation, association or co-partnership, keeps or causes to be kept a "bucket shop", as defined in section 13079 of the General Code, shall be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not more than six months or both, and for each subsequent offense shall be fined not less than five hundred dollars nor more than one thousand dollars and shall be imprisoned in the penitentiary not more than three years nor less than one year, and, if a corporation, shall forfeit its charter.

Penalty for keeping "bucket shop".

Sec. 13072. The continuance of such bucket shop, office, store or place, as defined in section 13079 of the General Code, after a first conviction, shall constitute a separate offense for each day any such bucket shop, office, store or place is so kept.

Each day, additional offense, when.

Sec. 13077. It shall be the duty of every commission merchant, co-partnership, association, corporation, person or persons, or agent or broker in this state engaged in the business of buying or selling, or of buying and selling stocks, bonds, grain, provisions, cotton or other commodities, or personal property, for any person, principal, customer or purchaser, to furnish within three days thereafter to any customer or principal for whom such commission merchant, broker, co-partnership, corporation, association, person or persons, or agent has executed any order for the actual purchase or sale of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which the same was either bought or sold; and in case such commission merchant, broker, person or persons, or agent, co-partnership, corporation or association shall fail to furnish upon demand the said statement, the fact of such failure shall be prima facie evidence that such property was not sold or bought in a legitimate manner, but was sold or bought in violation hereof.

Written statement showing for whom bought and to whom sold.

Sec. 13079. A bucket shop within the meaning of this act, is defined to be an office, store or other place wherein the proprietor or keeper thereof, or other person or agent, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association or co-partnership within or without the state, conducts the

"Bucket shop" defined.

business of making, or offering to make, contracts, agreements, trades or transactions respecting the purchase or sale, or purchase and sale, of any stocks, grain, provisions, cotton, or other commodity, or personal property, wherein both parties thereto, or said proprietor or keeper, contemplate or intend that such contracts, agreements, trades or transaction shall be, or may be closed, adjusted or settled according to, or upon the basis of, the public market quotations of prices made on any board of trade or exchange, upon which the commodities or securities referred to in such contracts, agreements, trades or transactions are dealt in by competitive buying and selling, and without a bona fide transaction on such board of trade or exchange; or wherein both parties, or such keeper or proprietor shall contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be, deemed closed or terminated when the public market quotations of prices made on such board of trade, or exchange, for the articles or securities named in such contracts, agreements, trades or transactions, shall reach a certain figure; and also any office, store or other place where the keeper, person or agent, or proprietor thereof, either in his or its own behalf, or as an agent, as aforesaid, therein makes or offers to make, with others, contracts, trades or transactions for the purchase or sale of any such commodity, wherein the parties thereto do not contemplate or intend the actual or bona fide receipt or delivery of such property, but do contemplate or intend a settlement thereof based upon differences on the price at which said property is, or is claimed to be, bought and sold. The said crime shall be complete against any proprietor, person, agent or keeper thus offering to make any such contracts, trades or transactions, whether such offer is accepted or not.

SECTION 2. Said original sections 13071, 13072, 13077, 13078 and 13079 of the General Code be and the same are hereby repealed.

Repeals.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.

160

[Senate Bill No. 214.]

AN ACT

To abandon the Columbus feeder to the Ohio canal and to provide for the selling and leasing of all lands connected therewith.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the canal, known as the Columbus feeder to the Ohio canal, commencing at a point 30 feet

north of the head of the intake lock at the junction of said feeder with the Scioto river, near the foot of Main street in the city of Columbus, Franklin county, Ohio, and extending thence southerly along the line of said feeder, and including the full width thereof, to its intersection with the Ohio canal in the village of Lockbourne, Franklin county, Ohio, be and the same is hereby abandoned for canal purposes.

Portion of Ohio canal abandoned.

SECTION 2. That the state board of public works and the chief engineer of the public works, acting jointly, shall cause such surveys to be made of said canal property as in their judgment is necessary for the purpose of carrying out the provisions of this act, together with such maps and plats of the same as will facilitate the selling or leasing of said canal lands, which plats shall be preserved as permanent records in the office of the state board of public works.

Survey.

SECTION 3. As soon as such surveys and plats have been completed, the state board of public works and the chief engineer of the public works, acting as a joint board, shall proceed to appraise, and lease or sell, as they deem for the best interest of the state, subject to the approval of the governor and attorney general, said canal lands in strict conformity with the various provisions of the statutes of Ohio relating to the leasing and selling of state canal lands, except that the grant of such leases shall be for a term of not less than fifteen nor more than twenty-five years, and that the bed and banks of said abandoned canal property may be included in any lease of such canal lands.

Appraisement and sale or lease.

SECTION 3a. If a sale shall have been decided upon, the board of public works of the state of Ohio, may at their option make an appraisement of all the aforesaid abandoned property in divisions or sections of such lengths or amounts and appraise separately and as a whole, as in their opinion will best suit the convenience of purchasers and facilitate the sale thereof, to the best advantage and for the highest price for the state. They shall make a complete report in writing in which they shall itemize each division and as a whole with its value as appraised by them, which shall be returned to the auditor of the state within thirty days from the date of said appraisement.

Appraisement in divisions or sections.

SECTION 3b. The auditor of state shall receive and file the said appraisement, and the said joint board shall forthwith proceed to advertise the aforesaid abandoned canal property for sale by giving notice of the time, place and terms thereof for three consecutive months in two newspapers of opposite politics published and having a general circulation in said county; and upon the day and hour named in such advertisement said joint board shall offer the same for sale at public auction at the court house in Franklin county, and then and there sell the same to the highest and best bidder or bidders; provided the same or any part thereof shall not be sold for less than three-fourths of the appraised value thereof, and that if all or

Advertisement for sale.

any part of said property remains unsold for want of bidder the joint board shall again advertise and sell the claim as aforesaid. And if any of said property remains unsold after having been twice offered for sale the same shall be appraised agreeably to section 3a of this act, and again offered for sale as above provided, the state reserving the right to reject any or all bids.

Removal of bridges, etc.

SECTION 4. The county commissioners of any county, likewise the council of any municipality, through which said abandoned canal passes, shall have the right to remove all existing bridges crossing any portion of said abandoned canal over which public highways or the streets of any municipality pass, and to grade such highways and streets by filling and grading across the channel and banks thereof, but must provide for all necessary drainage underneath the same; there is, however, reserved to the state of Ohio, its lessees, grantees, and their assigns, an unobstructed right-of-way, for any and all purposes across the land occupied by the highways and streets extending across said abandoned canal, as provided for above.

Expenses.

SECTION 5. All accounts of expenses, incident to surveying, platting and monumenting said abandoned canal lands, together with the necessary expenses of advertising, selling or leasing the same, shall be verified and approved by the chief engineer and the board of public works, and paid out of the canal funds, or other funds provided for the survey of canal lands.

SECTION 6. Nothing in this act shall interfere with any leases, rights or privileges heretofore granted by the state of Ohio and in force at the date of approval of this act.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911. Except sections 3a and 3b.

JUDSON HARMON,
Governor.

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June 8, 1911.

To the General Assembly:

I file with the Secretary of State unapproved Sections 3a and 3b of Senate Bill No. 214, "To abandon the Columbus feeder to the Ohio canal and to provide for the selling and leasing of all lands connected therewith," with the following objections:

The interests of the state are fully protected by the original sections of the bill, which require the action of the Board of Public Works and the Chief Engineer, as a joint board, to appraise, lease or sell the property involved, subject to approval of the Governor and Attorney General, according to the various provisions of the statutes on the

subject. The two sections mentioned, which were introduced as amendments, require publication and other proceedings which have been found by experience in other like cases to involve useless expense. As the object is to secure the best possible price for the lands with as little outlay as possible, the two sections mentioned would be a hindrance rather than a help. Any of the officers whose co-operation is required can insist upon publication when the amount or value of the property would make such a step advisable. Under the bill these are required in all cases, no matter how small the tract or how little its value, so that in some cases the expense would largely, if not entirely, consume the proceeds.

JUDSON HARMON,
Governor.

I have this day made public the fact of the filing in my office of the above sections and the written objections thereto.

CHAS. H. GRAVES,
June 9th, 1911. *Secretary of State.*

[House Bill No. 200.]

AN ACT

To prevent corrupt practices at elections.

Be it enacted by the General Assembly of the State of Ohio:

Section 5175-1. "Committee" or "organization" defined.

SECTION 1. The term "committee" or "organization" as hereinafter used, shall include every committee or combination of two or more persons co-operating to aid or promote the success or defeat of a political party or principle, or of any proposition submitted to vote at any election, or to aid or take part in the election or defeat of any candidate for public office; or to aid or take part in the election or defeat of any candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of any candidate for any office, whether public or not, to be voted for at a primary election; or to aid or defeat the nomination by petition of a candidate under the primary election law; or any other organization or society soliciting or receiving money, assessments or other things of value, or in any way advocating or permitting the success or defeat of any candidate for office, or of any principal measure or proposition to be voted for at any election held in this state; but nothing herein contained shall apply to or in respect of any committee or organization for the discussion or advancement of political or economic questions.

Section 5175-2.

SECTION 2. Every candidate who is voted for at any election or primary election held within this state, and

every person, committee or association of persons incorporated or unincorporated, who may have contributed, promised, received or expended directly or indirectly, any money or thing of value in connection with such election, shall within ten days after such election file, as hereinafter provided, an itemized statement showing in detail all the moneys or things of value, so contributed, promised, received or expended, and all liabilities directly or indirectly incurred in connection with such election; but individuals other than candidates making only contributions, the receipts of which must be accounted for by others, need not file such statement under this section.

Statement of expenditures.

Section 5175-3. Statement shall contain, what.

SECTION 3. Such statement shall contain the full name and address of the candidate, person, committee or association making the same, and the names and addresses of each candidate, person, or committee or association who contributed, promised, received or expended any money or thing of value, or incurred directly or indirectly any liability, the specific nature of such item, the purpose for which, the place where and the date when it was contributed, promised, received, expended or incurred, and shall specify the balance in the hands of the accounting person, committee, association or candidate, and the disposition to be made thereof.

Section 5175-4. Statement of person other than candidate.

SECTION 4. Any individual other than a candidate who has expended any money or thing of value for or on behalf of any candidate, committee or association which may have interested itself in the election or defeat of a candidate, or measure, may, instead of filing a statement as provided in this section, and if the money or thing of value was received from a candidate, committee or association shall within five days after such election deliver to such candidate, committee or association an account stating in detail to whom, when, where, for what purpose and in what sums he paid out such money or thing of value, and such account shall be attached to and form a part of the statement to be filed by the candidate, committee or association as provided in this act. But if a candidate, committee or association cannot obtain such account from the person to whom he or they advanced any money or thing of value within the time in which such statement must be filed, such candidate, committee or association shall so recite in his or their statement, giving the names and addresses of the persons to whom money or thing of value was advanced and who failed to account for the same, and the reasons, if any, given for such failure:

Section 5175-5. Accounts signed and verified.

SECTION 5. All statements and accounts of expenditures shall be signed and verified by the candidate or person, or the duly appointed treasurer or president of the committee or the association filing the same. The verification must show every such statement or account to be, to the affiant's own knowledge, a full and true statement or account of all contributions made or received by him, or by the committee or association of which he is a

member, and of the disposition thereof made and all liabilities incurred by him or such committee or association.

Section 5175-6. SECTION 6. Statements required to be filed by this section if they relate to the election of candidates for offices to be filled by, or propositions submitted to, the electors of the entire state, or any division or district thereof greater than a county, shall be filed in the office of the secretary of state; in all other elections such statements shall be filed in the office of the board of deputy state supervisors of elections for the county in which such election is held. All such statements shall be open to public inspection and shall be retained in such office for a period of not less than four years and no fee shall be charged for filing the same. Copies of such statements, certified by the secretary of state or the clerk of the board of deputy state supervisors of elections with whom the same are filed, under seal (if any) of his office, shall be admitted as evidence in all courts with like force and effect as the original would have if produced.

Where statements shall be filed.

Section 5175-7. SECTION 7. The secretary of state shall prepare a form of statement required by this act and at the expense of the state shall furnish to the board of deputy state supervisors of elections for each county, and, upon application, to any candidate, committee or other persons or organizations required to file such statement under this act.

Secretary of state shall prepare form.

Section 5175-8. SECTION 8. No board, office or officer authorized by law to issue commissions or certificates of election shall issue a commission or certificate of election to any person required by this act to file a statement or statements until such statement or statements have been so made, verified and filed by such persons as provided by this act. No person, required by this act to file a statement or statements shall enter upon the duties of any office to which he may be elected until he has filed all statements provided by this act, nor shall he receive any salary or emolument prior to the filing of the same.

Certificate of election shall not issue until statement is filed.

Section 5175-9. SECTION 9. Every committee, association or organization subject to the provisions of this act, shall appoint and constantly maintain a treasurer, who shall be a resident of this state, to receive, keep and disburse all sums of money which may be collected or received or disbursed by such committee, association or organization, or by any of its members, for any of the purposes mentioned in this act; and unless such treasurer is first appointed and thereafter maintained, it shall be unlawful and a violation of this act for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received or disbursed by any political committee or by any member or members thereof, for any of the purposes mentioned in this act, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful and a violation of this act for any committee, association or organization, or for any member or members

Treasurer and duties of same.

thereof to disburse or expend money for any of the objects or purposes mentioned in this act until the money so disbursed or expended shall have passed through the hands of the treasurer of such committee, association or organization.

Section 5175-10. SECTION 10. Every treasurer of any committee, association or organization, and every person who shall at any time act as such treasurer, shall, whenever he receives or disburses money as such treasurer, or for or on account of any of the objects or purposes mentioned in this act, immediately enter and thereafter keep, in a proper book or books to be provided and preserved by him, a full, true and detailed statement and account of each and every sum of money so received or disbursed by him, setting forth in such statement each sum so received or disbursed, the object and purpose for which it was received or disbursed, and the person from whom it was received or to whom it was disbursed, as the case may be. Every individual receiving or disbursing money aggregating more than twenty dollars, for or on account of any of the objects and purposes mentioned in this act, unless he receives it from or pays it to the treasurer of any committee, association or organization, shall in like manner keep in a book a detailed written account of his receipts and disbursements. Every treasurer and other person required to keep books of account under this act must preserve the same for a period of not less than two years after each election, transactions concerning which are recorded therein.

Records and accounts.

Section 5175-11. SECTION 11. Every payment required to be accounted for shall, unless the total expense payable to any one person be not in excess of ten dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or account hereby required, shall be preserved for fifteen months after the election to which it relates.

Receipted bill.

Section 5175-12. SECTION 12. No person shall, directly or indirectly, himself of through another person, make a payment or promise of payment to any committee, association or organization, or to any person acting under its authority or in its behalf, in any name except its own, nor shall such committee or person knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom it is made.

Payment in name of another not allowed.

Section 5175-13. SECTION 13. Any person or persons who shall violate any of the provisions of this act shall be held to be guilty of a corrupt practice and shall be punished as hereinafter provided.

Section 5175-14 SECTION 14. Upon presentation to the court of common pleas, or to a judge thereof, or to the probate judge, or to any judge of a court of insolvency, or superior court of any city or county within this state, of a verified petition, alleging that some person or persons within such county have become subject to the requirements of this act

Petition and allegations for investigation.

in regard to filing statements or accounts of election expenses, and have failed to do so, or have filed false or incomplete statements or accounts, and upon the giving of security, as hereinafter provided, the said court or judge to whom such petition is presented, shall proceed to a summary investigation of the charges made in the petition as hereinafter set forth. Such petition need not be in any particular form, and it may allege such failure or incompleteness upon information and belief, without stating the source of such information and belief. But it shall name the person or persons from whom a statement or an amended statement is required, shall specify in detail some grounds of objections to the statement, or shall state some facts on which the demand for a statement is based, and of the information desired, and may make such further allegations as will tend to call the attention of the court and the person proceeded against to the particular question involved.

Section 5175-15. SECTION 15. The petition provided for in the foregoing section may be filed by the attorney general of the state, the prosecuting attorney of the county, a candidate voted for at the election, in respect to which the allegations in such petition may relate, or by any five resident and qualified voters, who voted at such election. Where petition filed.

Section 5175-16. SECTION 16. At the time of presenting such petition, the petitioner or petitioners shall file with the clerk of such court, an undertaking in the sum of two hundred and fifty dollars with sureties to be approved by the court or judge thereof, or the clerk, conditioned to pay such costs in such proceeding as may be adjudged against such petitioner or petitioners; but nothing in this section contained shall require such undertaking to be filed by the attorney general or the prosecuting attorney of any county. Bond.

Section 5175-17. SECTION 17. Upon presentation of such petition and the giving of the security provided for in the foregoing section, the court or judge shall forthwith issue an order, which shall be served personally upon the person or persons named in such petition or left at his or their last known place of residence not less than seventy-two hours prior to the return day thereof, and directing him or them to appear and show cause at a certain day within ten days after the service of the order, why such person or persons should not file a statement of election expenses, or amend the statement already filed, and to furnish the court or judge, such further information as the court may require on the subject. Copies of such order shall be mailed to the attorney general of the state and the prosecuting attorney of the county wherein such statement is required to be filed, except in cases where the attorney general of the state or prosecuting attorney of the county institutes the proceeding. Order.

Section 5175-18. SECTION 18. Upon the return day mentioned in the order issued as provided in the foregoing section, the court or judge shall forthwith proceed to hear the evidence and Hearing.

testimony to sustain the demand or charges contained in such petition, together with such other demands or charges as shall be made during the course of the inquiry, and shall be relevant to the subject, and the evidence in answer thereto.

Section 5175-19. SECTION 19. The hearings upon such investigations shall, if practicable, be continued from day to day until the final determination of such inquiry. Subpœnas to witnesses to attend the hearings shall be issued and the attendance of such witnesses enforced and evidence offered by depositions, as in civil actions. The petitioner or any party may appear in person or by attorney, and any voter may become a party by filing the bond above mentioned. If, upon such hearing, it shall appear that a person or persons other than those originally proceeded against, have failed to file statements or accounts of election expenses, or have filed false or incomplete statements or accounts, such person or persons shall be made parties to the proceedings and ordered to attend and answer as if they were originally made parties.

Parties.

Section 5175-20. SECTION 20. Within ten days after the close of the hearings upon such inquiry the court or judge shall render its or his decision thereon in writing, wherein shall be set forth whether the person or persons against whom the petition is brought is subject to the requirements of filing a statement or account of election expenses and has failed to file, or has filed a false or incomplete statement, and whether such failure to file, or the filing of such false or incomplete statement is due to willful intent to defeat the requirements of this act.

Decision.

Section 5175-21. SECTION 21. If such person or persons have failed to file such statement or account, or have filed a false or incomplete statement or account, the court or judge shall render judgment requiring the person or persons proceeded against to file the required statement or amendment within ten (10) days after the entry of the judgment, and to pay the costs of the proceeding; and a failure or refusal to comply with the order of the court in this respect shall be deemed a contempt of court. If such person or persons have failed to file a statement or have filed a false or incomplete statement, and such failure to file, or such false or incomplete statement, was due, in the opinion of such court or judge, to a wilful intent to defeat the provisions of this act, the court or judge shall forthwith transmit a copy of its or his decision and of the evidence to the prosecuting attorney of the county wherein such statement should be filed, and to the attorney general when such statement should be filed with the secretary of state, with directions to such prosecuting attorney to present the same to the next grand jury in the county.

Contempt.

Section 5175-22. SECTION 22. Failure to file a statement or filing a materially false or incomplete statement, shall be prima facie evidence of willful intent to defeat the statute.

Willful intent.

Section 5175-23. SECTION 23. The petition hereinbefore mentioned shall

be filed within forty days after such election, if the statement was filed within the ten days required; but if the statement is not filed, the petition may be presented within one year after such election. Limitation.

Section 5175-24. SECTION 24. The proceedings upon, and the investigation of, the charges set forth in said petition, shall take precedence and be preferred over all other actions or proceedings then pending in said court, or before said judge; and, in case of appeals, in the circuit court or supreme court. Precedence of proceeding.

Section 5175-25. SECTION 25. Appeals may be taken to the circuit court from the orders herein provided for in the same manner as in civil actions under section 12,224 of the General Code. Appeals.

Section 5175-26. SECTION 26. Any person is guilty of a corrupt practice if he, directly or indirectly, by himself or through any other person, in connection with, or in respect of any election, pays, lends or contributes, or offers or promises to pay, lend or contribute any money or other valuable consideration, for any other purpose than the following matters and services, at their reasonable, bona fide and customary value: Guilt, what is.

Rents of halls and compensation of speakers, music and fireworks for public meetings, and expenses of advertising the same, together with the usual expenses incident thereto;

The preparation, printing and publication of posters, lithographs, banners, notices and literary material, the compensation of agents to supervise and prepare articles and advertisements in the newspapers, to examine questions of public interest bearing on the election, and the report on the same; the pay of newspapers for advertisements, pictures, reading matter and additional circulation, the preparation and circulation of letters, pamphlets and literature bearing on the election;

Rent of offices and club rooms, compensation of such clerks and agent as shall be required to manage the necessary and reasonable business of the election and of attorneys at law for actual legal services rendered in connection with the election; the preparation of lists of voters and payment of necessary personal expenses by a candidate; the reasonable traveling expenses of the committeemen, agents, clerks and speakers; postage, express, telegrams and telephones; the expenses of preparing, circulating and filing petitions for nomination. No party organization or candidate shall compensate or hire in any one election precinct more than one person to prepare lists of voters. Each political party may designate one party representative in each precinct upon each registration day, and such committee may designate not more than three (3) such representatives and each candidate one representative in each voting precinct upon each election day, whose names shall be certified to by the chairman and secretary of the controlling committee of such party to the board of deputy state supervisors of elections, at least two (2) days before Defining corrupt practice.

such registration or election day, and who may be paid for their services by such committee or candidate not in excess of five ($5.00) dollars per day each.

Any payment, contribution or expenditure or agreement or offer to pay, contribute or expend any money or thing of value for any purpose whatsoever except as herein provided is hereby declared to be corrupt practice and invalidates the election of any person guilty thereof.

Election invalid.

Section 5175-27. Guilt, what is.

SECTION 27. Any person or corporation who directly or indirectly:

1. Uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict, any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for or against any particular person or persons, or for or against any proposition submitted to the voters at such election, or to place or cause to be placed, or to refrain from placing or causing to be placed, his name upon a registry of voters, or on account of such person having voted or refrained from voting at such election, or having voted or refrained from voting for or against any particular person or persons, or for or against any proposition submitted to voters at such election or having registered or refrained from registering as a voter; or,

2. By abduction, duress or any forcible or fraudulent device or contrivance whatever impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or,

Defining corrupt practice.

3. Being an employer, pays his employes the salary or wages due in envelopes upon which there is written or printed any political motto, device or argument containing threats, expressed or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of a general election exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice or information, that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions, actions or votes of his employes, is guilty of corrupt practice.

4. Being the owner, editor or writer of any newspaper, magazine, society, religious or trade publication, or any other publication of any description, whether published regularly or irregularly, by an incorporated company, joint stock company, partnership or individual, within or without the state of Ohio, using the columns of any such publication for the printing of any demand, or demands for

promises, pledges, or committals from candidates for office, or printing threats, direct or implied, in the columns of any such publications, for the purpose of leading, controlling, or intimidating candidates for office, or sending letters, petitions, circulars or telegrams from any officer, writer, agent or representative of any such publications to candidates for office, soliciting, requesting, or demanding promises, pledges or committals for any purpose or for any reason, or the making of any demand or request verbally and personally by any officer, writer, agent or representative of any such publications, for promises, pledges or committals from any candidate for office, or the soliciting or receiving of money or its equivalent or anything valuable in the shape of presents of horses, vehicles, motor cars, jewelry, real estate, bonds, stocks, certificates of interest, certificates of deposit, insurance policies, railroad passes, theatre passes, baseball passes, furniture or furnishings for residence or office, clothing, furs, or anything else of value, from candidates for office by any officer, writer, agent or representative of any such publications, is guilty of a corrupt practice.

Section 5175-28. SECTION 28. Any person, who while holding a public office, or being nominated or seeking a nomination or appointment therefor, corruptly uses or promises to use, directly or indirectly, any official authority or influence possessed or anticipated, in the way of conferring upon any person, or in order to secure, or aid any person in securing, any office or public employment, or any nomination, confirmation, promotion or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited or of any other person, shall be given or used in behalf of any candidate, officer, or party or upon any other corrupt conditions or consideration, is guilty of a corrupt practice.

Guilt.

Section 5175-29. SECTION 29. The total amount expended by a candidate for a public office, voted for at an election, by the qualified electors of the state, or any political subdivision thereof, for any of the purposes specified in section 26 of this act, for contributions to political committees, as that term is defined in section 1 of this act, or for any purpose tending in any way, directly or indirectly, to promote or aid in securing his nomination or election, shall not exceed the amount specified herein: By a candidate for governor, the sum of five thousand dollars; by a candidate for other elective state office, the sum of two thousand five hundred dollars; by a candidate for the office of representative in congress or presidential elector, the sum of two thousand dollars; by a candidate for the office of state senator, the sum of three hundred dollars in each county of his district; by a candidate for the office of state representative, the sum of three hundred and fifty dollars; by a candidate for any other public office to be voted for by the qualified electors of a county, city, town or village, or any part thereof, if the total number of votes cast therein for all candidates for

Amount of expenditure allowed candidates.

the office of governor at the last preceding state election, shall be five thousand or less, the sum of three hundred dollars. If the total number of votes cast therein at such last preceding state election be in excess of five thousand, the sum of five dollars for each one hundred in excess of such number may be added to the amounts above specified. Any candidate for a public office who shall expend for the purposes above mentioned an amount in excess of the amounts herein specified, shall be guilty of a corrupt practice.

Section 5175-30.

SECTION 30. If any person, firm or corporation, at any time, prints, publishes or circulates any matter pertaining or relating to any candidate for public office and said candidate desires to reply to the same, said person, firm or corporation shall, without charge and without comment thereon, print and publish said reply within twenty-four hours after receiving the same, in the same portion of the paper in which said article to which said reply is made was printed, which reply shall be printed in like type and in the same color ink as said original article was printed and shall be given like space in said newspaper, and if said person, firm or corporation neglects, fails or refuses to so print and publish said reply, said person, firm or corporation and their agents and employes so refusing shall be guilty of the offense of "corrupt practice" as defined in this act and shall be prosecuted and punished accordingly. Said person, firm or corporation and said agents and employes may be prosecuted in each and every county of this state in which said original article was printed, published or circulated.

Reply to printed charges required.

SECTION 31. If any person, firm or corporation demands of any candidate for the general assembly any pledge concerning his vote or position on any legislation, question or proposition that may come before said general assembly, the person, firm or corporation so demanding the same shall be guilty of the offense of "corrupt practice" as defined herein and shall be punished accordingly.

Demanding pledge unlawful.

Section 13323-1.

SECTION 32. Any person convicted of a corrupt practice under this act shall be fined not less than one hundred dollars and not more than five hundred dollars, or imprisoned in the county jail not to exceed six months, or both; and if he shall have been elected to office, he shall in addition thereto forfeit such office.

Penalty.

Section 13323-2.

SECTION 33. No person shall be excused from attending and testifying, or from producing any books, papers or other documents before any court or judge upon any trial, investigation, or hearing under the provisions of this act, upon the ground, or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to convict him of a crime, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence, documentary or otherwise,

Incrimination no excuse from testifying.

and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

Section 13323-3.

SECTION 34. All prosecutions under this act must be commenced within one year after the commission of the act complained of.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

Approved June 8th, 1911, except sections thirty (30) and thirty-one (31).

JUDSON HARMON,
Governor.

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June 8, 1911.

To the General Assembly:

The purpose of House Bill No. 200 is correctly stated in its title, "To prevent corrupt practices at elections." It is one which must be accomplished if our institutions are to survive and fulfill their objects. It is especially important at this time.

The provisions of the bill as drawn and passed by the House seem to be well conceived and expressed to reach the end in view. But various additions were made in the Senate of some of which the same can hardly be said, though they were concurred in by the House on the crowded closing day of the session.

One of them is Section 30 of the bill as it comes to me. It covers entirely new matter which, whatever else may be said of it, is certainly not germane to the bill because it does not relate to "corrupt practices". It requires the publication, without charge, in the same part of the paper and in the same type and ink, of whatever reply a candidate may choose to make to any matter published concerning him. Refusal by the publisher is made a corrupt practice subject to the severe penalties imposed by the bill on other conduct it condemns as criminal.

Common fairness would always afford a candidate an opportunity to answer statements published about him, and insure to his reply the same prominence and publicity as the original statement. But failure to be fair in this respect, reprehensible as it is, cannot be classed with bribery and corruption.

But this section requires several things which make it impossible to approve it. One is the publication of the candidate's reply within twenty-four hours after it is received, which in case of newspapers, etc., issued only weekly, semi-weekly or monthly, would subject the publishers to prosecution in every county their circulation reaches, that they could not avoid, at least without the enormous expense of a special edition.

Another is that whatever the candidate writes must be published as written without regard to its possible libelous character, and the candidate is not required to indemnify the publisher.

A third is that the candidate's statement must be published without comment, which is a clear violation of the constitutional guaranty of freedom of the press. Even on the common ground of fair play it would not be right to close the treatment of the subject with the candidate's statement. If the matter is of enough importance to call for the action ordered by the bill the public interest demands full information and discussion, and as the candidate's right to publication of his side would apply to comment on his statement as well as to the original publication a full hearing would be secured him.

Section 31 forbids as a corrupt practice, under the same heavy penalties, demands on a candidate for member of the General Assembly for a "pledge concerning his vote or position" on any matter of legislation.

If this were limited to secret pledges I should be glad to approve it, for it would help matters greatly if every member should be free to exercise his own judgment without such obligations.

But the language used is not limited to demands for the kinds of pledges which are objectionable, and the section would therefore interfere with the exact understanding of the candidate's position and purposes which is essential to the success of representative government. The electors certainly have a right to demand a statement of the candidate's attitude on public questions at issue and a pledge to maintain it if chosen.

Paragraph 4 of Section 27 is another of these added provisions. It forbids publishers, editors and writers to demand pledges, etc., from candidates, to print threats, express or implied, for the purpose of controlling or intimidating candidates, or to solicit or receive from candidates presents of money or other valuable thing.

The provision last mentioned is proper and consistent with the general scope of the bill, though it is surprising that there should be occasion for it. While the other provisions are open to objections, these do not outweigh the excellent features of the other three subdivisions and I can only deal with the section as a whole.

With the foregoing objections, I therefore file with the Secretary of State, unapproved, Sections thirty (30) and thirty-one (31) of the bill.

JUDSON HARMON,
Governor.

I have this day made public the fact of the filing in my office of the above sections and written objections thereto.

CHAS. H. GRAVES,
Secretary of State.

June 9th, 1911.

[Senate Bill No. 165.]

AN ACT

Creating a state highway department, defining the duties thereof, and providing aid in the construction and maintenance of highways, and to repeal certain sections of the general code.

Be it enacted by the General Assembly of the State of Ohio:

Section 1178. SECTION 1. There shall be a state highway department for the purpose of affording instruction, assistance, and co-operation in the construction, improvement, maintenance and repair of the public roads and bridges of the state, under the provisions of this chapter. This department shall be divided into three bureaus to be known as the bureau of construction, the bureau of maintenance and repair, and the bureau of bridges. The governor, with the advice and consent of the senate, shall appoint a state highway commissioner who shall serve for the term of four years. He shall be a competent civil engineer and experienced in the construction, improvement, maintenance and repair of roads and bridges, and shall give his whole time and attention to the duties of his office.

Three bureaus.

Section 1179. SECTION 2. Before entering upon the discharge of the duties of his office, the state highway commissioner shall give bond to the state of Ohio in the sum of ten thousand ($10,000) dollars, with sureties approved by the governor, conditioned upon the faithful discharge of the duties of his office. Such bond, with the approval of the governor and the oath of office endorsed thereon, shall be deposited with the secretary of state and kept in his office.

Bond.

Section 1180. SECTION 3. The state highway commissioner shall be provided with suitable rooms for the use of the department. Such office shall be open at all reasonable times for the transaction of public business and be furnished by the state with necessary stationery, office supplies, fixtures, apparatus for testing materials, engineering instruments and supplies. The salary of the state highway commissioner shall be $4,000 per annum. In addition to his salary, he shall be allowed his actual traveling expenses incurred in the discharge of his official duties, not to exceed $1,200 in any year.

Office.

Salary and expenses.

Section 1181. SECTION 4. Subject to the approval of the governor, the state highway commissioner shall appoint three deputy highway commissioners, not more than one of whom shall be of the same political party as himself, who shall be competent civil engineers, and serve during the pleasure of the commissioner. One of these deputy highway commissioners shall be experienced in road construction and improvement, and acting under the direction of the highway commissioner, shall have supervision of all matters pertaining to road construction and improvement as provided for in this chapter. Another of said deputies shall be experienced in road maintenance and repair, and acting

Deputies and their duties.

under the direction of the highway commissioner shall have supervision of all matters pertaining to road maintenance and repair. Another of said deputies shall be experienced in the design, construction, and maintenance and repair of culverts and bridges, and acting under the direction of the state highway commissioner, shall have supervision of all matters pertaining to the design, construction, maintenance and repair of culverts and bridges. The deputy highway commissioner in addition to performing the duties above assigned to them, shall perform such other duties in connection with this department as may be designated by the state highway commissioner. The salary of each of said deputy highway commissioners shall be $3,000 per annum. In addition to their salaries, the deputy highway commissioners shall each be paid their actual traveling expenses not to exceed $1,200 in any one year. The highway commissioner shall require each deputy highway commissioner to give bond in the sum of $5,000 with such sureties as he approves.

Salary of deputies.

Section 1182. SECTION 5. The state highway commissioner may also appoint the following division engineers. Not more than four in the bureau of construction and not to exceed two in the bureau of maintenance, and not to exceed two in the bureau of bridges. Each of said division engineers shall be paid a salary to be fixed by the state highway commissioner, not to exceed $2,000 per annum, and each of whom shall be paid in addition to his salary his actual traveling expenses not to exceed $1,000 in any one year. Said state highway commissioner may also appoint a chief clerk, who shall receive a salary, fixed by the highway commissioner, not to exceed $1,500 per annum. Not to exceed sixty per cent. of the above appointees shall be of the same political party. He may also appoint eight additional clerks or stenographers, and four of said additional clerks or stenographers shall each receive a salary fixed by the said highway commissioner not to exceed $1,000 per annum, and four of whom shall each receive a salary fixed by said highway commissioner not to exceed $800 per annum. The highway commissioner may require all of the appointees heretofore mentioned to give bond in such amount and with sureties to be approved by him and conditioned on the faithful performance of the duties of their office or employment. If the surety be a qualified surety company, the premium on such bond or bonds, including the bond of the state highway commissioner, shall be paid out of any fund or funds for the contingent expenses of the department.

Division engineers and salaries.

Clerk.

Stenographers.

Section 1183. SECTION 6. The state highway commissioner shall have general supervision of the construction, improvement, maintenance and repair of all highways, bridges and culverts which are constructed, improved, maintained or repaired by the aid of state money. He shall aid county commissioners in establishing, creating and preparing suitable systems of drainage of highways, and advise with them as to the construction, improvement, maintenance and repair of high-

Powers and duties of commissioners.

ways, and the design, construction, maintenance and repair of bridges and culverts. He shall cause plans, specifications and estimates to be prepared for the construction, maintenance or repair of bridges and culverts, when so requested by the authorities having charge thereof; he shall carry into operation the provisions herein relating to his office and all other laws providing for the co-operation of the state with local authorities in the construction, improvement, maintenance and repair of public roads, bridges and culverts. He shall make inquiry in regard to systems of road and bridge construction and maintenance throughout the United States, conduct investigations and experiments, either in person, by deputy or engineer, in regard to the best methods of road and bridge construction and the best kinds of road and bridge materials, examine the chemical and physical character of such materials, and he may prepare and publish and distribute bulletins and reports. He may cause to be made such surveys, plats, profiles, specifications and estimates of those highways hereinafter referred to as "inter-county highways" as he may deem necessary. All expenses incident thereto shall be paid out of any fund or funds available for the use of the department.

He shall call an open meeting to be held at the office of the county commissioners within each county of the state at least one day in each calendar year, for the purpose of affording instruction relative to matters pertaining to road and bridge construction, maintenance and repairs. Such meeting shall be conducted by the state highway commissioner or one of the deputies or division engineers designated for the purpose by the state highway commissioner.

Open meeting in each county.

Upon receipt of the notice from the state highway commissioner the county commissioners shall call such meeting on the date set by the state highway commissioner and shall be present themselves and notify the county engineer, the trustees of each township and the superintendent of each road district within the county to be present at such meetings, in person. Each of the county, township and road district officials above mentioned shall be paid the regular per diem allowance, in the usual manner, for the actual time in attendance at such meetings.

Section 1184. SECTION 7. The apparatus and supplies of the College of Agriculture and Engineering of the Ohio State University may be used by the state highway commissioner in making investigations concerning the chemical and physical character of road and bridge materials, if the president of such university consents, and such investigations are made without interference with the regular work of the university.

Apparatus.

SECTION 8. Within sixty days after the passage of this act, the county commissioners shall, upon request and under the direction of the state highway commissioner, cause the county surveyor of each county to make an accurate map or maps of the county of sufficient size to show dis-

Maps by surveyor of each county.

tinctly the rivers, railroads, streams, township lines, the location of the cities and villages and public highways of the county, which highways shall be given a designating name or number; the original of such map or maps shall be carefully preserved among the files in the office of the county surveyor and a copy or blue print of such map or maps shall be forwarded to each board of township trustees in the county by the county commissioners immediately upon its completion, which copy or blue print shall be returned to the county commissioners with the statistics and information provided for in the following section. The county surveyor shall be paid from the county fund of the county $5.00 a day for actual time so employed and his actual expenses.

Fees.

SECTION 9. Immediately upon the receipt of the copy or blue print provided for in the preceding section, the township trustees shall proceed to denote the relative value of each road, in the township in consecutive order as a used highway, the kind of traffic over such road, as well as the number of miles, and the material used in the construction of improved roads when constructed, and their present condition, together with such other information as may be desired by the state highway commissioner. These statistics and information must be compiled upon blanks to be furnished by the state highway commissioner and filed with the county commissioner within thirty days after receiving such blue prints and blanks. The township trustees shall be paid the per diem allowance by law for their services, for the actual time so employed and the same shall be paid out of the road fund of the township, which shall be in addition to all other compensation allowed them by law.

Estimated relative value of roads, etc., by township trustees.

Filing of statistics.

SECTION 10. The county commissioners, with the assistance of the county surveyor, shall compile from the statistics and information furnished by township trustees upon blanks to be furnished by the state highway commissioner, statistics and information concerning the roads of the entire county. They shall also specify what roads are national, state, county, toll, township or otherwise. They shall within one hundred and twenty days from the passage of this act, file the statistics and information specified, together with a copy of the several blue prints or maps, with the state highway commissioner and may include in their report such additional information as they may deem of value, a copy of the report to be kept for record in the office of the county commissioners. If the county commissioners or township trustees fail to comply with the terms of this section, relative to maps and statistics, the state highway commissioner shall proceed to have the same done and deduct the cost of the same from any appropriation for road building which may be or may become due the county from the state.

Compilation of statistics.

Filing.

SECTION 11. It shall be the duty of the state highway commissioner and his deputies to determine from the sta-

tistics and information furnished the state highway commissioner, the relative importance, and value for commerce, of the various public highways of the entire state. They shall designate by name and number the main roads of the state which shall be known as "inter-county highways"; and the parts thereof in each county shall be designated so as to form as near as practicable continuous and connected highways and shall designate the order of their relative importance within the county. They shall begin work as soon as the necessary information is furnished the state highway commissioner, and shall complete the work and file their report with the governor within two hundred and forty days from the date of commencing the work, unless further time be granted them for such purpose by the governor. So much of such report shall be printed under the direction of the state highway commissioner as he may deem necessary and a copy thereof shall be immediately furnished the board of county commissioners of each county of the state and shall be carefully preserved in the office of the county auditor thereof. After the filing of such report the state highway commissioner may, subject to the approval of the governor, designate additional roads as "inter-county" highways.

"Inter-county highways".

Report to governor.

Section 1185. SECTION 12. The commissioners of a county may make application to the state highway commissioner for aid from an appropriation by the state for the construction, improvement, maintenance, or repair of highways. Such application shall be filed prior to May first of the year in which such appropriation may be made or become available. If the county commissioners have not made use of the apportionment to such county, in the year in which it is available, then the township trustees may make application prior to the first day of April of the succeeding year. And if the township trustees do not make use of the appropriation prior to the first day of July next succeeding, then the state highway commissioner shall have full power and authority to enter upon and construct, improve, maintain or repair any of the inter-county highways or parts thereof of said county, either by contract, force account; or in such manner as the state highway commissioner may deem for the best interests of the public, paying the full cost and expense thereof from the said apportionment of the appropriation to said county so unused as aforesaid. Any part of the apportionment to a county remaining unexpended shall remain to the credit of such county and be available for the succeeding year as herein provided.

State aid.

Non-use of apportionment.

Section 1186. SECTION 13. Each application for state aid in the construction, improvement, maintenance or repair of highways shall be accompanied by a proper certified resolution of the county commissioners or township trustees having jurisdiction of the road to be constructed, improved, maintained or repaired, stating that the public interest demands the improvement of the highway therein described; that

Application for state aid.

the description does not include any portion of the highway in the limits of any municipality. Provided, also, that when all the inter-county highways within a county have been improved to the standard specified by the state highway commissioner, then the appropriation may be used, in the construction, improvement, maintenance or repair of any road within such county. Each application for state aid shall also contain an agreement on the part of the county commissioners or township trustees, having jurisdiction over the road, to pay one-half of the cost and expense of surveys and other expenses preliminary to the construction, improvement, maintenance or repair of said road.

Section 1186-1.

SECTION 14. The county commissioners may expend any amount, not to exceed the amount available by law, for the construction, improvement, maintenance or repair of inter-county highways within the county, provided the county commissioners by resolution agree to pay the excess of the cost and expense thereof, over and above the apportionment of the appropriation received from the state, subject however to the same conditions provided for the expenditure of state aid money.

Expenditure after resolution.

Section 1188.

SECTION 15. If the trustees of a township make application under this chapter, the state highway commissioner may proceed with the construction, improvement, maintenance or repair of such road or highway in the manner provided in case of an application by the county commissioners. In such case the township trustees shall have the same rights and powers as are given county commissioners under this chapter, and the township clerk and township treasurer, respectively, in case of application by township trustees shall have the same rights and powers as are given to the county auditor and treasurer. If more than one township of a county make such application, the state highway commissioner shall select such roads named in the applications as he deems to the best interests of the public, provided that inter-county highways shall be first constructed, improved, maintained or repaired.

Application by trustees.

Section 1189.

SECTION 16. Upon the receipt of an application, the state highway commissioner shall determine whether the highway sought to be improved is of sufficient public importance to come within the purpose of this chapter. In determining the question, he shall consider its use, location and value for common traffic and travel. If the highway commissioner approves of the construction, improvement, maintenance or repair of such highway or any part thereof he shall certify his approval of the application or such part thereof to the county commissioners, and applications or parts thereof not so approved shall remain on file and be available for future approval until withdrawn with his consent or disapproved by him. An application or part thereof not approved or withdrawn may be considered as an application for the apportionment of state

Approval.

aid moneys to a county for any succeeding year; and any highway or part thereof described therein may be constructed, improved, maintained or repaired at any future time under the provisions of this chapter.

Section 1190. SECTION 17. If the state highway commissioner approves the application, or part thereof, he shall if necessary cause a map of the highway in outline and profile to be made and indicate thereon any change of existing lines if he deems it of advantage to make such change. He shall cause to be made plans and specifications and estimates for telford, macadam, brick or gravel or any other suitable material or methods of construction. In determining the kind of improvement, he shall take into consideration the climate and soil of the locality, the materials available in the vicinity and the extent and nature of the traffic thereon.

Plans and specifications.

Section 1191. SECTION 18. The state highway commissioner shall cause plans, specifications and estimates to be made for all bridges and culverts upon the highway or section to be improved, and transmit a certified copy thereof to the board of county commissioners making the application who shall construct such bridges and culverts in accordance therewith. The cost of such construction shall be paid from the bridge fund of the county. The state highway commissioner shall so far as is possible standardize the plans and specifications for bridge construction and furnish such plans and specifications with estimates of cost of construction to the county commissioners or township trustees upon application for use upon other than inter-county roads.

Bridges and culverts.

Section 1192. SECTION 19. The improved permanent roadway of such highway shall not be less than ten nor more than twenty feet in width, unless for special reasons the state highway commissioner requires a greater width. The highway may be improved to a greater width than twenty feet if there is a stipulation in the application that abutting property owners will pay the added cost and expense of such improvement. The county commissioners or trustees of townships, in which the highway is situated may also improve a highway to a greater width than herein specified if their application therefor contains a stipulation to pay such added cost and expense; or such county commissioners, trustees and abutting property owners may join in an application for an increase of width of an improvement by jointly agreeing to pay the added cost and expense thereof. All highways improved under the provisions of this chapter shall conform to the standard prescribed by the state highway department.

Roadway.

Section 1193. SECTION 20. Upon the completion of the maps, plans, and specifications of the proposed road improvement, the state highway commissioner shall cause an estimate to be made of the cost and expense of its construction and transmit to the county commissioners, together with the

Cost and expense.

certificate of approval thereof, copies of such maps, plans and specifications.

Section 1194. SECTION 21. Upon the receipt of the maps, plans and specifications of a proposed improvement, with the approval thereof by the state highway commissioner, the county commissioners by majority vote may adopt a resolution that such highway be constructed under the provisions of this chapter. A certified copy of such resolution shall be transmitted to the state highway commissioner.

Resolution.

Section 1195. SECTION 22. If the line of a highway proposed to be improved under the provisions of this act deviates from the existing highway the officials making application for such improvement must provide the requisite right of way. If the board of county commissioners or the trustees of any township are unable to contract upon fair and equitable terms with the owner or owners of such land, or property, as may be necessary for such change or alteration; or if additional right of way is required for the same, and if such owner or owners of the land or property in question refuse to sell or contract with the commissioners of the county, or the trustees of the township, for a reasonable compensation for such land or property required for such change or alteration, then the board of county commissioners or the trustees of the township, as the case may be, may by resolution condemn and appropriate for public use such land or property, and upon the deposit of the amount of money as determined by said board of county commissioners or the trustees of the township, as the case may be, with the probate court of the county, for such owner or owners, the board of county commissioners or the trustees of the township, shall be authorized to take immediate possession of and enter upon said lands for such purposes. The county commissioners are hereby authorized to issue their order upon the county auditor, in favor of the probate judge, who shall hold such monies until such litigation is decided. The right of appeal of any person in interest, shall be allowed in the manner as contained in section 7517 general code.

Right of way.

Section 1197. SECTION 23. Under the provisions of this chapter, the commissioners of a county by resolution may apply for the improvement of a public road or section thereof at least one mile in length, or less than one mile in length if it is an extension of or connected with a permanently improved road, street or highway of approved construction.

Extension.

Section 1197-1. SECTION 24. No change or alteration of the alignment or grade of a inter-county highway shall be made without the approval of the state highway commissioner.

Alteration.

Section 1199-1. SECTION 25. If the owners of fifty-one per cent. or more of the lineal feet abutting on a inter-county highway petition the county commissioners for its construction, improvement, maintenance or repair under the provisions of this chapter, the county commissioners shall grant the peti-

Petition by abutting owners.

tion, if they are of the opinion that the improvement will be for the best interests of the public. The county commissioners may, without the presentation of such petition, make application for aid from an appropriation by the state as provided in section 12 of this chapter.

Section 1200. SECTION 26. Before their approval of the proposed road improvement, the county commissioners may require that the trustees of the township or townships through which it extends agree to pay twenty-five per cent. of the cost and expense thereof, and that the trustees by resolution, approve the construction, improvement, maintenance or repair of the same. Agreement with trustees and approval.

Section 1201. SECTION 27. Upon receipt of the application and certified copy of the resolution of the county commissioners, the state highway commissioner shall advertise for bids for two consecutive weeks in two newspapers of general circulation and of opposite politics, published in the county in which the improvement is to be made. Such notice shall state that plans and specifications for the improvement are on file in the offices of the state highway commissioner and county commissioners, and the time in which bids therefor will be received. Subject to the approval of the county commissioners the state highway commisisoner shall award the contract to the lowest responsible bidder. Advertisement for bids.

Section 1202. SECTION 28. No contract for an improvement shall be awarded at a greater sum than the estimate of the cost of its construction. The bids received for an improvement shall be filed and opened at the time stated in the notice and shall conform to such other regulations as the state highway commissioner may direct. If no acceptable bid is made within the estimate, the state highway commissioner may either re-advertise the work or amend the estimate, certify the same to the county commissioners, and upon their adoption of the amended estimate, again proceed to advertise for bids and award the contract as provided in the preceding section. The highway commissioner may under the provisions of this chapter contract for the grading required for an improvement, and defer making contract for surfacing until such grade has become stable and solid. Subject to the approval of the county commissioners, the highway commissioner may contract for the improvement of part of a road or highway described in a petition, not less than one-half mile in length, unless connected with an improved road or street, in such case construction may be continued in the same manner from year to year. Award. Contract.

Section 1203. SECTION 29. The state highway commissioner may reject any or all bids. Before entering into a contract he shall require a bond with sufficient sureties conditioned that if the proposal is accepted the contractor will perform the work upon the terms proposed, within the time prescribed and in accordance with the plans and specifications, and will indemnify the county against any damages that may Bond.

be claimed by reason of the negligence of the contractor in the construction of the improvement. An approved surety company may be accepted as surety on such bond. In no case shall the state be liable for damages sustained by reason of the construction of an improvement under this chapter.

Section 1203-1.

SECTION 30. If the contractor has not commenced or carried forward, or is improperly performing or has abandoned, or fails or refuses to complete a contract under the provisions of this chapter, the state highway commissioner may re-let the work or he may complete the same by force account, and in either case the highway commissioner may deduct the cost and expense thereof from any moneys that may be due or become due such contractor, and in case there is not sufficient moneys due the contractor to pay for said work, the highway commissioner shall require the contractor or his bondsman to pay for it. It is the duty of the attorney general or any prosecuting attorney of the county in which said highway is situated, to collect the same from the contractor and his bondsman.

Re-letting, costs, etc.

Section 1204.

SECTION 31. The preceding provisions relating to advertising for bids shall apply to the letting of a contract for extra work resulting from unforeseen contingencies, not included in the original contract, if the estimate of the cost and expense of such work amounts to one thousand dollars or more. If the estimate is less than one thousand dollars and more than two hundred dollars, fifteen days' notice of the letting of the work shall be given by posting it on a bulletin board or writing it on a blackboard in a conspicuous place in the office of the auditor or county commissioners of the county where the proposed work is located, stating the nature of the work, and when and where proposals in writing will be received. Plans and specifications of such extra work shall be kept on file at the office of the county auditor or county commissioners during the fifteen days of advertisement and be open to public inspection. If the estimated cost and expense of the extra work does not exceed two hundred dollars, it may be let by the state highway commissioner at private contract without publication or notice thereof, but the contract must be approved by the county commissioners.

Extra work.

Section 1205.

SECTION 32. Upon the completion of the improvement the state highway commissioner shall immediately ascertain the cost and expense thereof and apportion the same to the state, county, township or townships and abutting property. He shall certify the total cost and expense of the improvement and a statement of the apportionment to the county commissioners and trustees of the township or townships.

Apportionment of cost.

Section 1206.

SECTION 33. The state's proportion of the cost and expense of the construction, improvement, maintenance or repair of any highway under the provisions of this chapter shall be paid by the treasurer of state upon the warrant of the auditor of state issued upon the requisition of the state

highway commissioner from an appropriation made to carry out its provisions. The county's, township's and property owners' proportion of the cost and expense of such construction, improvement, maintenance and repairs, shall be paid by the treasurer of the county, in which the highway is located upon the warrant of the county auditor issued upon the requisition of the state highway commissioner from any funds in the county treasury for the construction, improvement, maintenance or repair of roads. Proportions of cost, how paid.

Section 1207. SECTION 34. Whenever there are one or more improvements to be made in any county and the cost and expense thereof is equal to or is less than twice the amount apportioned by the state to a county, then the state shall pay fifty per cent. of such cost and expense. When state shall pay 50%.

Whenever there are one or more such improvements to be made in any county and the cost and expense thereof exceeds twice the amount apportioned by the state to a county, then the state shall pay the amount of the apportionment for said improvement or improvements apportioned as may be agreed upon by the state highway commissioner and the county commissioners.

Except as otherwise provided in this chapter, the county shall pay twenty-five per cent. of all cost and expense of improvement.

Section 1208. SECTION 35. Except as otherwise provided one-fourth of the cost and expense of such improvement shall be apportioned to the township or townships in which such road is located. Of the amount so apportioned three-fifths shall be a charge upon the whole township or townships and two-fifths shall be a charge upon the property abutting on the improvement. The township trustees shall apportion the amount to be paid by the owners of the abutting property according to the benefits accruing to the owners of land so located. At least ten days' notice of the time and place of making such apportionment shall be given to the persons affected thereby, and an opportunity given them to be heard in the manner provided by law for the assessment of the cost and expense of establishing county roads. If the improvement lies in two or more townships the amount to be paid by each shall be apportioned according to the number of lineal feet of the improvement lying in each township. How cost and expense apportioned. Notice.

When an improvement of a highway shall be made by the state in conjunction with a township or townships, thirty-five per cent. of the total cost and expense thereof shall be assessed on the township or townships and fifteen per cent. of the total cost and expense thereof shall be assessed on the land abutting on such highway. 35% and 15%.

Section 1209. SECTION 36. If a railway corporation owns in fee a strip of land by the side of the highway to be improved on which it operates a steam or electric railroad, the land lying immediately back of such strip shall be regarded and treated as abutting upon such highway for all purposes of abutting ownership, and both such strip and the land lying Abutting railroad land.

immediately back thereof shall be assessed as provided in the preceding section.

Section 1210. Assessment and collection.

SECTION 37. The township trustees shall certify the assessment to the county auditor, who shall place it upon the tax duplicate against the property benefited. The county treasurer shall collect such assessments in the manner as other taxes are collected, and in such payments as may be approved by the county auditor. The township trustees shall pay the portion of the cost and expense assessed to the township in the same manner as other claims are paid.

Section 1210-1. Waiver.

SECTION 38. The county commissioners of a county in which a road is constructed under the provisions of this act may, by resolution, waive any part or all of the apportionment of the cost and expense of such road as herein provided to be paid by the township or townships or abutting property owners, and assume any part or all of the cost and expense of such road improvement in excess of the amount received from the state up to the entire cost and expense of such road improvement without any assessment whatsoever upon any township or townships or the property abutting on such road. The township trustees of any township in which a road is constructed under the provisions of this chapter may, by resolution, waive any part or all of the apportionment of the cost and expense of such road as herein provided to be paid by the county or abutting property owners and assume any part or all of the cost and expense of such road improvement in excess of the amount received from the state up to the entire cost and expense of such road improvement without an assessment upon the county or owners of abutting property upon such road.

Section 1211. How and when payment for construction shall be made.

SECTION 39. Payment of the cost of construction of such improvement shall be made as the work of construction progresses, upon estimates made by the engineer in charge of the work when approved by the state highway commissioner. No payment made by the state or county on a contract for such work before its completion shall be in excess of ninety per cent. of the value of the work performed. Ten per cent. of the value of the work performed shall be held until the completion of the contract in accordance with the plans and specifications.

Section 1212. How contracts shall be made.

SECTION 40. Each contract under the provisions of this chapter shall be made in the name of the state, signed by the state highway commissioner or deputy, attested by the chief clerk of the department and approved by the commissioners of the county in which the improvement is made. No contract shall be let by the highway commissioner or work under this chapter be authorized unless the county commissioners of the county in which the improvement is to be made shall have made a written agreement to assume in the first instance the share of the cost and expense over and above the amount to be paid by the state. Such agreement shall be filed in the office of the state highway com-

missioner, with the aprpoval of the attorney general thereon as to form and legality.

Section 1214. SECTION 41. Subject to the approval of the state highway commissioner the county commissioners shall select the kind of materials for the improvement of a highway; and such highway when constructed shall be firm, smooth, and convenient for travel at all seasons of the year. Materials.

Section 1215. SECTION 42. The state highway commissioner shall use a competent engineer and assistants to make the necessary surveys and plans for a proposed highway improvement. Such engineer may also be employed to superintend the work of construction of such improvement, and shall be compensated for each day employed in such service, not to exceed six dollars per day, and actual expenses. All assistants shall receive not to exceed three dollars per day and actual expenses. Engineers. Salaries.

Section 1216. SECTION 43. The board of county commissioners of two or more counties may agree to pay the cost and expense of the construction, improvement, maintenance, or repair of a county line road, and assess to such counties such proportion as they determine, but in no case shall a township or county pay less than ten per cent. of the entire cost and expense of such construction, improvement, maintenance or repair. Payment by two or more counties.

Section 1225. SECTION 44. Highways improved or constructed under the provisions of any act providing for aid by the state shall be kept in repair and maintained by the state highway commissioner. The expense of such repair and maintenance shall be divided and payable twenty-five per cent. thereof by the state, fifty per cent. thereof by the county and twenty-five per cent. thereof by the township or townships. The state's share being payable from moneys appropriated by the general assembly for the purpose; the county and township shares from their respective road or road repair funds. Maintenance.

It is hereby provided that the state highway commissioner may enter into a contract with an individual, firm or corporation who shall give sufficient surety bond for the faithful performance of this contract, or with the county commissioners of any county, the township trustees of any township in which such state highway is situate, for the repair and maintenance of such highway according to the plans and specifications provided by the state highway commissioner, or for the furnishing of the material or the labor necessary for such repair and maintenance, or the state highway commissioner may furnish the material or labor or both and directly supervise the repair and maintenance from his office, the work being done under any conditions or contract being subject at all times to inspection and supervision of the state highway commissioner. Intercounty highways in which no state aid money has been expended, if permanently improved with construction equal to that specified by the state highway commissioner for the material used, may be taken over by the state on applica- Contract, bond, etc. Highways taken over by state.

tion of the county commissioners and shall henceforth be maintained as prescribed herein for other designated highways. County roads and state roads not taken over by the state shall be maintained by the county, and township roads by the township, the cost of such maintenance being paid from their respective road levies for the purpose.

Section 1226. Closing for repair.

SECTION 45. If it shall appear necessary to the highway commissioner to close a highway or section thereof which is being constructed, improved or repaired under this act, in order to permit a proper completion of such work, he shall execute a certificate and file the same in the office of the county commissioners of the county in which such highway is situated. Such certificate shall state the necessity for closing of such highway and describe the portion thereof to be closed; not more than one mile of any highway shall be closed at any one time. County commissioners shall thereupon close the same to public travel by erecting suitable obstruction and posting conspicuous notice to the effect that the highway is closed. They shall, if practicable, provide a new location and construct a temporary highway to be used for the traveling public in lieu of the closed highway and may erect temporary bridges when necessary, or cause other existing highways to be used. For the purpose of locating, constructing and erecting such temporary highway or bridge, the county commissioners may enter upon the lands adjoining or near to the closed highway and may agree with the owners of such land as to the damages, if any, caused thereby. If they are unable to agree with such owners upon the amount of damages thus sustained, the amount shall be ascertained, determined and paid as provided in section twenty-two of this act. Whoever rides or drives over a state highway closed to the public as provided by law, shall be fined not less than five dollars nor more than twenty-five dollars.

Temporary highway.

Penalty.

Section 1192-1. Drainage of approaches.

SECTION 46. The construction and drainage of public road approaches necessary for the protection of a state highway may be included as a part of the improvement of said highway. Upon the completion of said highway, the owners or occupants of adjoining lands shall construct and keep in repair all private approaches or driveways from such highway, under the direction of the county commissioners, but no such approaches or driveways shall be constructed in such manner as to obstruct or interfere with said highway or with any drain or ditch which has been constructed as a part of said highway. Whoever fills up or places any material in a ditch along a state highway so as to interfere with the drainage or the purposes of its construction, or constructs an approach or driveway from a state highway, except as provided by law, shall be fined not less than five dollars nor more than twenty-five dollars.

Penalty.

Section 1221.

SECTION 47. Nothing in this chapter shall prevent the state highway commissioner or other authority having jurisdiction of such highway from constructing a dirt road

parallel with and alongside an improved road, if in his or their judgment, such construction is necessary. Parallel road.

Section 1222. SECTION 48. Moneys appropriated by the state for the purpose of carrying out the provisions of this chapter, shall not be used in any manner or for any purpose, except as provided herein. Moneys so appropriated shall be equally divided among the counties of the state, except such moneys as are appropriated for the use of the department and for surveys, plans and estimates of inter-county highways. Apportionment equal among counties.

Section 1227. SECTION 49. The word "highway" as used in this chapter, includes an existing causeway or bridge, or a new causeway or bridge or a drain or water course which forms a part of a road authorized by law to be constructed by a township or townships, but shall not include causeways or bridges authorized by law to be constructed by a county or adjoining counties or by the state. "Highway" defined.

Section 1228. SECTION 50. If a franchise is granted on a designated state highway, no construction thereon or obstruction thereof shall be permitted, nor alteration or change made thereof until the location and grade of such construction has been established by the state highway commissioner. Such location and grade shall be established within sixty days after he is notified to do so by the county commissioner. Obstruction, alterations, grade, etc.

Section 1229. SECTION 51. Commissioners of counties, and officers of cities, villages and townships, having authority and control of public highways and bridges, upon written request of the state highway commissioner, shall furnish such information as he requires relative to the mileage, cost of maintenance, condition and character thereof and any other needful information relating thereto, and in case of failure on the part of the proper authorities to comply with the request, the state highway commissioner may proceed to compile such information or statistics and the cost of same shall be deducted from any money due, or that may become due the county, from the state. Information to commissioner.

SECTION 52. For the purpose of providing a fund for the payment of the proportion of the cost and expense to be paid by the county for the construction, improvement, maintenance or repair of highways under the provisions of this chapter, the county commissioners are hereby authorized to levy a tax not exceeding one and one-half mills upon all the taxable property of the county. Said levy shall be in addition to all other levies authorized by law, notwithstanding any limitation upon the aggregate amount of such levies now in force. Levy 1½ mills

For the purpose of providing a fund for the payment of the proportion of the cost and expense to be paid by the township or townships for construction, improvement, maintenance or repair of highways under the provision of this chapter, the county commissioners or township trustees are hereby authorized to levy a tax not exceeding five mills upon all taxable property of the township or townships, in which such road improvement is situated, in whole or in part. Such levies shall be in addition to all other levies 5 mills.

authorized by law, notwithstanding any limitation upon the aggregate amount of such levies now in force. A county may use moneys lawfully transferred from any fund in place of the taxes required under the provision of this chapter.

Section 1223. Bonds.

SECTION 53. The county commissioners in anticipation of the collection of such taxes and assessments, and whenever in their judgment it is necessary, are hereby authorized to sell the bonds of any such county in which such construction, improvement, maintenance or repair is to be made to any amount not exceeding, in the aggregate one per cent. of the tax duplicate of such county. Such bonds shall state for what purposes issued, and bear interest at a rate not in excess of five per cent. per annum, payable semi-annually, and in such amounts to mature in not more than ten years after they are issued, as the county commissioners shall determine. Such bonds shall be advertised once each week for four consecutive weeks in two newspapers published and having a general circulation within the county. Such bonds shall be sold to the highest responsible bidder and for not less than par and accrued interest. The county commissioners may reject any and all bids. The proceeds of such bonds shall be used exclusively for the payment of the cost and expense of the construction, improvement, maintenance or repair of the highway for which the bonds were issued, except that any balance remaining after all of the cost and expense of the improvement have been paid, shall become a part of the county road improvement fund.

Section 1230. Apportionment of federal government funds.

SECTION 54. If funds from the federal government for highway improvement become available, they shall be apportioned by the state highway commissioner to the counties in proportion to the mileage of public highways therein, unless otherwise designated by the federal government.

Pending actions, etc.

SECTION 55. This act shall not affect pending actions or proceedings, or affect or impair any contract, application now on file, act done, or right accruing, accrued or acquired, or any penalties or forfeitures incurred prior to the time when this act or any section thereof takes effect, under or by virtue of the laws so repealed, and the same may be conducted or continue in the same manner and under the same terms and conditions and with the effect as though this act or any part thereof had not been passed.

SECTION 56. Nothing in this chapter shall prevent the construction, improvement, maintenance or repair of any highway in any county under the provisions of this chapter, previous to the filing of the report designating certain highways of the state as inter-county highways, with the governor as provided in section 11, of this act, and all provisions of the chapter relating to inter-county highways for which application for state aid has been made, shall apply to all highways previous to the filing of said report.

SECTION 57. Sections of this act and part thereof, are

hereby declared to be independent sections and parts of sections and the holding of any section or any part thereof to be unconstitutional, void or ineffective for any cause shall not affect any other section or part thereof.

SECTION 58. Sections 1178, 1179, 1183, 1184, 1185, 1186, 1187, 1188, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1212, 1213, 1214, 1215, 1216, 1218, 1219, 1220, 1221, 1223, 1224, 1225, 1226, 1227, 1228, 1229 and 1230 of the general code, and the following acts are hereby repealed. An act entitled "An act to amend sections 1180, 1181, 1182, 1189, 1211, 1217, and 1222 of the general code relative to the highway commissioner as to provide for state aid in the construction of highways."

The sectional numbers on the margin hereof are designated as provided by law.

SECTION 59. This act shall supersede all sections and parts of sections or acts and parts of acts, not herein expressly repealed which are inconsistent herewith.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

Approved June 9th, 1911, except sections fifty-two (52), fifty-eight (58) and fifty-nine (59).

JUDSON HARMON,
Governor.

163

June 9, 1911.

To the General Assembly:

Of all the steps looking to the material welfare of the people of the State the fixing of a limit of taxation is the most important at this time. Both parties declared in their platforms for a limit of ten mills, yielding to the demand of the taxpayers everywhere. And after a great struggle with the many who are interested in spending public funds rather than in safeguarding the purses of the people a law has just been passed fixing that limit. The wish of those who opposed it now is to break down this wholesome measure and have the old order of things restored. And the determination of every friend of economical administration should be, and I believe is, to resist all attempts to gratify that wish.

Economy necessarily involves self-denial, at least for the time being, with respect to desirable things. But this seems to be overlooked or disregarded by some worthy citizens in their pursuit of laudable objects. Without intending it, I am sure they help the enemies of the tax limitation.

Among them are the advocates of good roads. Nothing is more to be desired than a system of highways throughout the State properly built and carefully maintained. And State aid for this purpose, from the general revenues, has been furnished for several years and is in-

cluded in the appropriations for the present and the coming year. This is given on condition that the counties desiring it shall furnish equal amounts, and they are authorized to levy not exceeding one mill each year for that purpose.

But, by reason of a faulty system of administration, these funds have not been effectively used. So Amended Senate Bill No. 165, "Creating a state highway department, defining the duties thereof, and providing aid in the construction and maintenance of highways, and to repeal certain sections of the General Code", provides for a reorganization of the State Highway Department and the putting in its charge of the building and repair of all roads for which State aid is furnished.

This is a wise measure. While it somewhat increases the force and expense of the department, this cannot be avoided without missing the results desired. And it is well worth while even with the nearly one million dollars available each year under the law as it stands.

This, of course, is not enough for rapid progress, so the bill raises the amount the counties may levy annually from one mill to one and a half mills, and Senate Bill No. 225, a twin measure, requires a State levy of half a mill each year on all property correspondingly to increase the amount available for State aid.

This State levy must be counted in the ten mill limit and reduces by so much what may be levied for other purposes. And section 52 of said bill No. 165 not only increases the authorized levy, as above stated, but in express terms puts the entire mill and a half outside of the ten mill limit. So if both these provisions were approved the limit would at once become eleven and a half mills instead of ten, and the availability of the ten mills be reduced by half a mill besides.

The owners of property of all kinds have been assured that the limit shall be ten mills, and on the faith of this they have generally acquiesced in the action of the taxing authorities with respect to fair returns and valuations. It would be most unfair now to permit the limit to be raised for any purpose which the people do not specifically and expressly approve, as provided in the tax limit law.

This interference with the tax limit is quite unnecessary, too, because the funds raised by the additional county levies cannot be spent until the State furnishes a like amount. And while the State levy begins at once, the money raised cannot be used until it is appropriated by law, which has not been done and cannot now be done until 1913. In fact the object stated in the bill is to provide a fund for future, not for present use.

I therefore, with these objections, file with the Secretary of State, unapproved, said section fifty-two (52) of said bill No. 165, and also sections fifty-eight (58) and fifty-nine (59) thereof. The two last named are the repealing sections which cover section 1224 of the General Code

authorizing the present levy of one mill by the counties. I am compelled to include the repealing sections in my disapproval of section 52, because otherwise no levy at all by the counties would be authorized. But while the entire repealing sections are struck out by my action there will be no real difficulty, because they cover only the old State highway law which this bill replaces, re-enacting most of it. Being later and on the same subject the bill will repeal by implication the parts of the old law which are different.

I regret to take this course, but it is the only one open unless I abandon the settled policy of standing by the tax limit, which I cannot justly or honorably do.

JUDSON HARMON,
Governor.

I have this day made public the fact of the filing in my office of the above sections and the written objections thereto.

CHAS. H. GRAVES,
Secretary of State.

June 12th, 1911.

[House Bill No. 229.]

AN ACT

To provide for parole of inmates of Girls' Industrial Home.

Be it enacted by the General Assembly of the State of Ohio:

Section 2112-1. SECTION 1. That the board of trustees of the Girls' Industrial Home shall establish rules and regulations under which inmates may be conditionally released upon parole in legal custody and under the control of the trustees, and subject at any time to be returned to the institution. No inmate shall be paroled except upon the written recommendation of the superintendent, or a member of the board of trustees, nor unless the trustees are of the opinion that there is reasonable ground to believe that she will conduct herself in a lawful and proper manner while at liberty, and that her parole will not be incompatible with the welfare of society. Paroles.

Section 2112-2. SECTION 2. The trustees may enforce such rules and regulations and return any inmate so upon parole. Their written order, certified by the superintendent, shall be sufficient warrant for any officer named therein to arrest and return such inmate to the home. An officer named therein shall be under duty to arrest and return to the Girls' Industrial Home paroled inmate named therein. Return of inmate.

Section 2112-3. SECTION 3. To carry out the purposes of this act the superintendent, with the consent of the board of trustees, shall appoint not to exceed four discreet women to act as

Parole officers.

parole officers. Their salaries and expenses shall be paid as provided in section 2215 of the General Code. It shall be their duty to seek homes and employment for inmates who may be paroled, and to exercise a kindly supervision while upon parole. They shall also investigate the qualifications and ability of parents and other persons who seek to receive paroled or discharged inmates into their homes.

SECTION 4. When an inmate of the Girls' Industrial Home is paroled or indentured under contract of employment, it shall be lawful for the board of trustees to require that not more than one-third of the consideration named in the contract of employment shall be paid monthly to the superintendent, and by him deposited in a savings bank approved by the board, to be held in trust for such inmate, and with any interest thereon to be paid to her upon final discharge, provided that she has conducted herself in an honorable and reasonably satisfactory manner while so employed. If it becomes necessary to return her to the institution because of any delinquency or misconduct on her part, she shall forfeit all claims to said deposits and interest, and they shall forthwith, upon the order of the board, be paid to the treasurer of state and placed to the credit of the general revenue fund of the state.

⅓ of consideration paid to superintendent.

Forfeiture.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Sections one (1), two (2) and three (3).
Approved June 13th, 1911.

JUDSON HARMON,
Governor.

164

June 13, 1911.

To the General Assembly:

I file with the Secretary of State, unapproved, section four (4) of House Bill No. 229, "To provide for parole of inmates of Girls' Industrial Home", with the following objections:

The object of the bill is to enlarge and improve the system mentioned in the title. Section 4 provides for the payment to the Board of not more than one-third of the earnings or wages of each girl indentured or paroled and the confiscation thereof, as a penalty, in case of her return to the institution by reason of misconduct.

Unfortunately, the amounts paid these unfortunate girls for their services when indentured or paroled are very small. The purpose of such conditional release is to give them a chance to regain their standing in the world and to cultivate a spirit of independence and self respect. I think this purpose would not be furthered by having their

employers retain and send back to the institution a part of each payment made to them.

JUDSON HARMON,
Governor.

I have this day made public the fact of the filing in my office of the above sections and written objections thereto of Judson Harmon, Governor.

CHAS. H. GRAVES,
Secretary of State.

June 13th, 1911.

[House Bill No. 459.]

AN ACT

To amend section 1547 of the General Code, relating to the appointment of additional court stenographers, as amended April 7, 1910, and filed in the office of the secretary of state, April 22, 1910, (O. L. Vol. 101, p. 110.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1547 of the General Code as amended April 7th, 1910, be amended to read as follows:

SECTION 2. In any county where the court fails to comply with the provisions of the preceding section, in the trial of criminal cases upon demand by an indigent defendant, the court shall appoint a stenographer for such case, who shall be paid for his services out of the general fund of the county such sum as the court shall approve.

Stenographer provided for indigent defendant.

Sec. 1547. When the services of one or more additional stenographers are necessary in a county, the court may appoint assistant stenographers, in no case to exceed ten, who shall take a like oath, serve for such time as their services may be required by the court, not exceeding three years under one appointment, and may be paid at the same rate and in the same manner as the official stenographer. Such stenographers when so appointed shall be ex-officio stenographers of the insolvency and superior courts, if any, in such county, and of the circuit courts in such county.

Provision for additional stenographers.

Ex-officio stenographers.

SECTION 3. That said amended section 1547 of the General Code, passed April 7, 1910, be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Sections one (1) and three (3).
Approved June 13th, 1911.

JUDSON HARMON,
Governor.

165

June 13, 1911.

To the General Assembly:

The purpose of House Bill No. 459, "To amend section 1547 of the General Code, relating to the appointment of additional stenographers, as amended April 7, 1910, and filed in the office of the Secretary of State April 22, 1910, (O. L. Vol. 101, p. 110)", was to make stenographers appointed by the common pleas courts official stenographers of the circuit courts in the respective counties also, there being now no provision for such stenographers in the circuit courts, and section one (1) of the bill amends section 1547 of the General Code accordingly.

But another purpose was to permit the appointment of stenographers on demand of indigent defendants in criminal cases when no official stenographers have been appointed.

By a mistake in both engrossment and enrollment the latter provision is inserted, as section two (2) of the bill, between the first two lines of section one (1) which declare the amendment of section 1547 and the remainder of section one (1) which gives the section as amended.

The only course open to correct this error is to strike the misplaced section two (2) from the bill entirely by filing it with the Secretary of State unapproved, with the above objections, which I herewith do.

JUDSON HARMON,
Governor.

I have this day made public the fact of the filing in my office of the above sections and written objections of Judson Harmon, Governor, thereto.

CHAS. H. GRAVES,
Secretary of State.

June 13th, 1911.

[House Bill No. 626.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1911.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities as herein specified, existing prior to February 15, 1911, to-wit:

EMPLOYERS' LIABILITY COMMISSION OF OHIO.

Expenses of commission..... $185 20

OHIO PENITENTIARY.

Maintenance of families of those convicted of non-support $190 40

MISCELLANEOUS.

The Cincinnati, Milford and Loveland Traction Company excise tax erroneously paid auditor of state..... $116 00

SECTION 2. The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just, and in the event said committee finds the law relating to creating deficiencies has been violated by any official or board, it shall report the same to the governor in writing.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 9th, 1911.

JUDSON HARMON,
Governor.
166

[House Bill No. 391.]

AN ACT

To amend section 9608 of the General Code, relative to mutual protective associations for insuring themselves and members of the association against loss from death of domestic animals and for making assessments to create a surplus equal to the average yearly loss and expense.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9608 of the General Code be amended to read as follows:

Association for insurance against loss by death of domestic animals.

Sec. 9608. Any number of persons of lawful age, residents of this state, not less than five, may associate themselves together for the purpose of becoming a body corporate, and insure themselves, and any person becoming a member of such corporation, in accordance with the rules and regulations thereof, against loss from death of domestic animals, and assess upon and collect from each other such sums of money, from time to time, as are necessary to

pay losses which occur from the death of such animals to any member of the corporation, and incidental expenses; and may assess upon and collect from each other an amount equal to the average yearly losses and expenses, such average yearly losses and expenses to be based upon the preceding three years, the same to be treated as a surplus; such surplus to be used in paying losses and expenses that may occur, and if invested, to be under the provisions of sections 9518 and 9519 of the General Code.

SECTION 2. That said original section 9608 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 9th, 1911.

JUDSON HARMON,
Governor.
167

[Senate Bill No. 136.]

AN ACT

To amend section 9357 of the general code, relating to investments by insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9357 of the general code be amended to read as follows:

Sec. 9357. A company organized under the laws of this state may invest its accumulations as follows:

Investment of accumulations by insurance companies.

1. In United States, state, county, school or city bonds, if their market value at the date of purchase, is at least eighty per cent. of their par value.

2. In bonds and mortgages upon unincumbered real estate, the market value of which is at least double the amount loaned thereon, at the date of the investment, and in bonds and mortgages upon leasehold estates on real estate for ninety-nine years renewable forever, unincumbered, except rentals accruing therefrom to the owner of the fee, the market value of which leasehold estate is at least double the amount loaned thereon at the date of investment. If the amount loaned exceeds one-half of the value of the land mortgaged, or one-half of the value of the leasehold estate mortgaged, exclusive of structures thereon, such structures must be insured in an authorized fire insurance company or companies, in an amount not less than the difference between one-half the value of such land, or leasehold estate, exclusive of structures, and the amount loaned, and the policy, or policies shall be assigned to the mortgagee. The value of such real or leasehold estate, shall be determined

by valuation, made under oath, by two real estate owners, residents of the county where the real estate, or leasehold, is located.

3. In loans upon the pledge of such bonds or mortgages, if the current market value of the bonds or mortgages is at least twenty-five per cent. more than the amount loaned thereon.

4. In loans upon its own policies, not exceeding the reserve or present value thereof, computed according to the American experience table of mortality with interest at four per cent. or according to such other higher standard or standards as the company has adopted, the reserve being the amount of debts of life insurance companies by reason of their outstanding policies in gross, and which may be so treated in the returns for taxation made by them. Such companies may sell, change, or reinvest such investments, or any part thereof, at pleasure.

SECTION 2. That said original section 9357 of the general Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 9th, 1911.

JUDSON HARMON,
Governor.
168

[House Bill No. 618.]

AN ACT

Making appropriations for interest on the irreducible debt, for the support of the Common Schools, for the Miami University, the Ohio University, the state normal school or college of the Ohio University, the state normal school or college of the Miami University, the Ohio University, and for the normal and industrial department of the Wilberforce University.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys that may be in the state treasury, or that may come into the state treasury, belonging to the sinking fund, for the purposes hereinafter named:

Appropriations for common schools.

For interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio University and Ohio State University funds, falling due January 1, 1912..... $325,000 00

SECTION 2. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of the "State Common School fund" for the fiscal year ending November 15, 1912, the sum of two million

four hundred and eighty-five thousand dollars ($2,485,000.00), to be distributed for that purpose at the rate of two dollars ($2.00) for each enumerated youth; and paid in the manner provided by sections 7582, 7583 and 7584 of the General Code.

Miami university.

SECTION 3. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Miami University fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1912, and the first quarter of the fiscal year ending November 15, 1913, the sum of sixty-two thousand five hundred dollars ($62,500.00); to be applied to the uses and purposes of the Miami University according to law.

O. U.

SECTION 4. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio University fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1912, and for the first quarter of the fiscal year ending November 15, 1913, the sum of sixty-two thousand five hundred dollars ($62,500.00); to be applied to the uses and purposes of the Ohio University according to law.

Ohio normal school fund.

SECTION 5. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio Normal School fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1912, and for the first quarter of the fiscal year ending November 15, 1913, the sum of thirty-seven thousand five hundred dollars ($37,500.00); to be applied to the uses and purposes of the state normal school or college of the Ohio University according to law.

M. N. S. fund.

SECTION 6. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Miami Normal School fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1912, and for the first quarter of the fiscal year ending November 15, 1913, the sum of thirty-seven thousand five hundred dollars ($37,500.00); to be applied to the uses and purposes of the state normal school or college of the Miami University according to law.

O. S. U.

SECTION 7. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio State University fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1912, and for the first quarter of the fiscal year ending November 15, 1913, the sum of four hundred thousand dollars ($400,000.00); to be applied to the uses and purposes of the Ohio State University according to law.

Wilberforce.

SECTION 8. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Normal and Industrial Department of the Wilberforce University fund" not otherwise appropriated

for the last three-quarters of the fiscal year, ending November 15th, 1912, and for the first quarter of the fiscal year ending November 15, 1913, the sum of twenty-five thousand dollars ($25,000.00); to be applied to the uses and purposes of the normal and industrial department of the Wilberforce University according to law.

SECTION 9. That in the event the rates authorized by law for the several funds named in this act shall not produce the respective amounts herein appropriated, the auditor of state is hereby authorized to draw warrants on the state treasury in amounts equal to the deficiencies the said warrants to be payable out of any money to the credit of the general revenue fund not otherwise appropriated; and provided further that in the event the rates authorized by law for the several funds named in this act shall produce amounts in excess of the sums appropriated, the said excess shall be covered into the state treasury and credited to the general revenue fund.

SECTION 10. That the different appropriations hereinbefore provided for are made in accordance with the provisions of Amended House Bill No. 186, passed May 11, 1911.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 9th, 1911.

JUDSON HARMON,
Governor.
169

[House Bill No. 551.]

AN ACT

To amend section 9556 of the General Code, relating to insurance companies other than life.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9556 of the General Code be amended to read as follows:

Sec. 9556. All companies organized or admitted for the purpose of insuring against loss or damage by fire, may insure against loss or damage by water, caused by the breakage or leakage of sprinklers, pumps, tanks, water pipes and fixtures connected therewith, and by lightning, explosions from gas, dynamite, gunpowder, and other like explosions, and tornadoes: and may also insure against loss by the theft of automobiles and accessories, and against damage thereto from this cause.

Business extended to damage by water, lightning, etc.

SECTION 2. That said original section 9556 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 9th, 1911.

JUDSON HARMON,
Governor.
170

[Senate Bill No. 257.]

AN ACT

To amend sections 996, 997 and 998 of the general code, and to supplement sections 1002 and 1028 of the general code by the enactment of sections 1002-1 and 1028-1, 1028-2, 1028-3 and 1028-4 of the general code for the purpose of defining the powers and duties of the chief inspector of workshops and factories and protecting the health and safety of persons employed in shops and factories.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 996, 997 and 998 of the general code be amended so as to read as follows:

Powers and duties of chief inspector.

Sec. 996. If the chief inspector of workshops and factories or a district inspector finds that the heating, lighting, ventilation or sanitary arrangements of a shop or factory are injurious to the health of persons employed or residing therein, that the means of egress therefrom in case of fire or other disaster is not sufficient, that efficient means for extinguishing fires is not provided on each floor, that the belting, shafting, gearing, elevators, drums and machinery therein are so located as to be dangerous to employes and not safely guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded by proper safeguards for preventing accident or injury to persons employed at or near them, or that there is danger from explosives in a building in which explosives are manufactured or stored, he shall notify the owner, proprietor or agent of such shop or factory or building by personally serving a notice in writing, or mailing it to his last known address, to make the necessary alterations or additions. Said notice shall describe the alterations and additions which shall be installed therein and the time in which each alteration or addition therein required shall be made and each appliance installed.

Notice in writing.

Duty of owner.

Sec. 997. Upon receipt of the notice provided in the next preceding section, the owner, proprietor, or agent of a shop or factory shall make the necessary alterations or additions to such shop or factory or install the appliances therein required within the time designated therein

Sec. 998. Whoever being notified by the chief inspector of workshops and factories or a district inspector to make alterations or additions to a shop or factory or to install appliances therein fails or refuses to comply with any requirement of such notice within the time therein designated as provided in the preceding two sections or the provisions of section 1000 of the general code shall be fined not less than fifty ($50.00) dollars nor more than one hundred ($100.00) dollars for each day after the expiration of the time so designated until such alterations and additions have been made. Such failure or refusal shall constitute a single offense and the amount of the fine imposed under these sections shall be dependent upon the number of days as herein provided.

Penalty.

Any person who has been convicted and fined under the provisions of the next two preceding sections or the provisions of section 1000 of the general code may be prosecuted and convicted from time to time under these sections until the alterations and additions have been made or the appliances installed as required in such order; if convicted in such subsequent prosecution, the amount of the fine shall be computed upon the number of days intervening between the date of the former conviction and the filing of the subsequent affidavit.

Subsequent prosecutions and penalties thereon.

SECTION 2. That said original sections 996, 997 and 998 of the general code be and are hereby repealed.

Repeals.

SECTION 3. That sections 1002 and 1028 of the general code be supplemented as follows:

Sec. 1002-1. If the alterations and additions required in the notice provided for in sections 996 and 1000 are not made within the time therein designated or if the appliances that are required are not installed within the time designated, the use of the building within which the shop or factory is located for shop and factory purposes as defined in section 1002, shall be deemed a public nuisance. Afer the expiration of the time prescribed in such notice the chief inspector of workshops and factories may in writing inform the attorney general of the fact that such notice has been given and that the person to whom it was directed has not complied therewith. On receipt thereof, the attorney general shall bring suit in the name of the state in the court of common pleas of the county where such shop or factory is located to enjoin the continued operation of such shop or factory until the requirements of such notice are complied with. In such action it shall be sufficient to serve the summons upon the person to whom the notice prescribed in sections 996 or 1000 was sent, and such summons may be served in any county of the state. The court may issue a temporary restraining order without notice to the defendant in such action. Upon final hearing thereof, if the court is satisfied that the requirements of the notice by the chief inspecor of workshops and factories or the district inspector to the defendant was not unreasonable or arbitrary, it shall issue an order enjoining the defendant

When deemed public nuisance.

Suit to enjoin operation.

Restraining order without notice.

from the continued operation of such shop or factory or from permitting the use of such building for shop or factory purposes until compliance therewith. Such injunction shall continue operative until the court is satisfied that the requirements of such notice have been substantially complied with and the court shall have and exercise with respect to the enforcement of such injunctions all the powers vested in it in other similar cases. Both the plaintiff and defendant in such action shall have the same rights of appeal and error as are provided by law in other injunction cases.

Continuation of injunction.

Appeal and error.

Sec. 1028-1. The owners of buildings wherein shops or factories are operated shall make suitable provisions for the safe and speedy egress therefrom in case of fire or other disaster of persons employed in such shop or factory or residing therein or who may be invited any time thereinto as follows:

Egress in case of fire.

1. They shall provide on each floor or basement of each section of such building separated from other sections or parts thereof by fire walls, or not so separated, and in which a shop or factory is operated, excepting only rooms on such floors or basements used only for storage purposes, two separate and distinct means of egress placed at opposite ends of the section or building and located as far apart as possible. Such means of egress shall be either an enclosed fireproof stairway running continuously from each floor on which such shop or factory is operated to the grade line and opening directly to the outside of the building; or a standard fire escape leading from such floors to the grade line or a convenient and safe distance above grade line; or a self-closing door leading directly to the next adjoining section of the same building containing a stairway, or a door opening directly upon a street, alley or open court.

Other provisions.

2. They shall provide substantial hand rails on each side of all stairways.

3. They shall provide on each floor on which a shop or factory is operated doors or other means of egress therefrom to such fire escapes or inside stairways, which said doors or other means of egress must swing outward and toward the natural means of egress, and if capable of being locked or latched, the same must be operated from the inside.

4. They shall provide signs over all doors as exits and over all openings or passageways leading to exits which shall be clearly marked with the word "EXIT" in plain block letters not less than six inches high; such signs shall be so placed that they may be seen from any part of the room, if possible.

5. They shall so arrange and hang doors and windows or other means of egress to fire escapes or fireproof stairways that when open they shall not obstruct or close off any of the passageway or in any way interfere with the use of fire escapes or other means of egress.

Sec. 1028-2. The owners and operators of manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices, and railroad depots shall observe the following rules and regulations for the safety of persons employed or assembled therein:

Rules for safety of employes.

1. The number of persons at any time employed or permitted to work or to be assembled therein shall at no time be such as to provide fewer than the following number of square feet of floor space for each person:

If the establishment, office or depot is in a basement there shall be ten square feet to a person; if on the first or grade floor, eight square feet to a person; if on the second floor, ten square feet to a person; if on the third floor, fifteen square feet to a person; if on the fourth floor, twenty square feet to a person; if on the fifth floor, thirty square feet to a person; if on the sixth floor, forty square feet to a person; if on the seventh floor, sixty square feet to a person; if on the eighth floor, eighty square feet to a person; if on the ninth floor, one hundred square feet to a person; if on or above the tenth floor, one hundred and twenty-five square feet to a person.

2. The number of persons employed or permitted to work or assemble therein shall at no time be greater than one hundred persons for each three feet of exit space, but this ratio may be decreased where highly inflammable materials are manufactured, sold or stored, by order of the chief inspector of workshops and factories, a district inspector thereof, or the chief of any fire department having authority in the premises.

3. Each floor on which any establishment mentioned in this section is located shall be provided with standpipe with one and one-half inch hose not more than seventy-five feet in length so located that any part of the floor may be reached by a stream of water expelled therefrom, and where water supply is not available, fire extinguishers or barrels of salt water with round bottom buckets may be substituted.

4. The floors of all such establishments shall be swept at least once a day, and the sweepings therefrom removed from every room thereof.

5. No door or other means of egress shall be locked, barred or bolted during the time when such shop or factory is operated.

6. Such owners or operators shall provide passageways or aisles equal in width to such doors or exits and leading to the same from all parts of the floor on which the shop or factory is operated, and shall keep such passageways or aisles at all times clear of all obstructions.

In computing the number of persons who may be employed or assembled in any such establishment, the portion of the floor space occupied by counters, cases and fixtures, or from which the public is excluded, shall be deemed and regarded as floor space.

Penalty.

Sec. 1028-3. Whoever violates any of the provisions of the preceding sections shall be fined not less than one hundred ($100.00) dollars nor more than one thousand ($1,000.00) dollars.

SECTION 4. Nothing in this act shall be so construed or applied as to impair contractual obligations existing at the time of passage hereinof.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.
171

[House Bill No. 617.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1911.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for deficiencies.

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities as herein specified, existing prior to February 15, 1911, to-wit:

STATE HOUSE AND GROUNDS.

Electric current for light and power for state house	$852 25

OHIO NATIONAL GUARD.

H. H. Snively, in full settlement of all claims for horse killed while in the hire of the state at Camp Judson Harmon, Marietta, Ohio, July 26, 1910	$150 00
The Deposit Banking Company, Delaware, Ohio, in full settlement of all claims for money advanced to owner of two horses killed and one injured in wreck of the troop train, Fourth Infantry, Ohio National Guard, en route from Marietta, Ohio, to Columbus, Ohio, at Belle Valley, Ohio, July 31, 1910	530 00
Joseph W. Mahan, in full settlement of all claims for injuries received while in the	

line of duty as a private, Company F, Fifth Infantry, Ohio National Guard, at target practice, White's Villa, Cuyahoga county, Ohio, (H. B. No. 257), September 17, 1905..... 2,500 00 Appropriation for deficiencies.

It is hereby provided that before a warrant on the treasury is drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which the said Joseph W. Mahan is residing, and that the said trustee is hereby authorized to invest the said two thousand five hundred dollars in a home for the benefit of the said Joseph W. Mahan; that at his death said property shall go to his sister, Mrs. Birdie C. Hill; that in the event of the death of the said sister, Mrs. Birdie C. Hill, before that of the said Joseph W. Mahan, then at the death of the said Joseph W. Mahan the said property shall revert to and become the property of the state of Ohio.

Mrs. Birdie C. Hill, in full settlement of all claims for nursing, care, attention, board, lodging and clothing furnished to private Joseph W. Mahan, Company F, Fifth Infantry, Ohio National Guard, since April 1, 1908..... 500 00

Robert Arnold, in full settlement of all claims for loss of his left eye and the pain, suffering and damages incident thereto caused by a gun shot while in line of duty as a private, Eighth Battery, Light Artillery, Ohio National Guard, at Springfield, Ohio, (H. B. No. 230), July 6, 1884..... 1,000 00

M. C. Miraben, in full settlement of all claims for injuries received by the premature explosion of a cannon while in the line of duty as a member of the Ohio National Guard and firing a salute to Governor Joseph B. Foraker, at Marietta, Ohio..... 1,000 00

It is hereby provided that before a warrant on the treasury be drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which the said M. C. Miraben is residing, and that the said trustee is hereby authorized to invest the said one thousand dollars in a home for the benefit of the said M. C. Miraben; that at his death said property shall go to his widow or heirs of

his body; that in the event of the death of the said widow and heirs before that of the said M. C. Miraben, then at his death, said property shall revert to and become the property of the state of Ohio.

Appropriation for deficiencies.

Bessie Newbrough, in full settlement of all claims for loss of left eye and the pain, suffering and damages incident thereto caused by the accidental discharge of a Springfield rifle in the hands of one Carl Ford, private, Company I, Sixth Infantry, Ohio National Guard, while in the line of his duty as a picket at the Columbus street car strike, (H. B. No. 64), July 30, 1910.. 4,000 00

J. E. Brown, M. D., Columbus, Ohio, in full settlement of all claims for medical and surgical services rendered Bessie Newbrough 105 00

J. F. Baldwin, M. D., Columbus, Ohio, in full settlement of all claims for medical and surgical services rendered Bessie Newbrough 125 00

C. E. McClelland, M. D., Columbus, Ohio, in full settlement of all claims for medical services rendered Bessie Newbrough..... 173 00

Charles F. Bowen, M. D., Columbus, Ohio, in full settlement of all claims for X-ray services rendered Bessie Newbrough..... 15 00

White-Haines Optical Company, Columbus, Ohio, in full settlement of all claims for glasses and artificial eyes furnished Bessie Newbrough 39 00

Grant Hospital Company, Columbus, Ohio, in full settlement of all claims for hospital services rendered Bessie Newbrough..... 232 00

John W. Berry, private, Company L, Eighth Infantry, Ohio National Guard, in full settlement of all claims for loss of time, pain and suffering on account of sickness contracted while in the line of duty, at Bridgeport, Ohio, December, 1909..... 46 00

Dr. J. George Manhart, Galion, Ohio, in full settlement of all claims for medical services rendered John W. Berry, private, Company L, Eighth Infantry, Ohio National Guard..... 24 00

Merritt Brunk, Springboro, Ohio, in full settlement of all claims for injuries and damages to horse hired to and used by the state of Ohio for services at the maneuvers, First Brigade, Ohio National Guard, Fort Ancient, Ohio, August and September, 1910 ..... 45 00

Frank E. Stomp, in full settlement of all claims for injuries to spine and the pain, suffering and damages incident thereto, received while riding on a limber chest and while in the line of duty as a private, Battery H, Field Artillery, Ohio National Guard, August 20, 1902	700 00	Appropriation for deficiencies.
Transportation	5,500 00	

ATTORNEY GENERAL.

Special counsel (Charles C. Connell, for legal services rendered in the case of Jane McVeigh vs. Mary Ann McVeigh, common pleas and circuit courts, Columbiana county, Ohio)	$3,500 00
Provided, however, that in the event that said action which is now pending results in a final decree in favor of the state of Ohio and the estate of James W. Reilly, deceased, which is involved in said case, escheats to the state of Ohio, the said Charles C. Connell shall be entitled to receive the sum of three thousand five hundred ($3,500.00) dollars in addition to the amount herein appropriated.	
Special counsel (Moore and Moore)	350 00
Special counsel (David K. Watson)	3,300 00
Special counsel (Ellis C. Kinkead, Challon B. Ellis and A. I. Vorys)	2,000 00
Traveling and other expenses (Kinkead, Ellis and Vorys)	140 05
Contingent expenses (Terry Engraving Company)	38 40
John M. Ebert, clerk courts, Montgomery county, Ohio, costs in the following cases:	
Martin vs. Sandles, et al., No. 27097	21 91
Benn vs. Sandles, et al., No. 27122	15 34
Neff vs. Sandles, et al., No. 27124	15 26
Ernshaw vs. Sandles, et al., No. 27131	19 91
Hanley vs. Sandles, et al., No. 27144	15 39
Gross vs. Sandles, et al., No. 27161	14 81
Sifrit vs. Sandles, et al., No. 27140	17 46
White vs. Sandles, et al., No. 27162	14 81
Howard C. Park, clerk courts, Franklin county, Ohio, costs in the following cases:	
Drake Coal Company vs. State of Ohio	18 50
State of Ohio vs. Marshall, No. 23526	10 45
State of Ohio vs, Evers, et al., No. 24203	20 55
State of Ohio vs. Evers, et al., No. 24204	20 25
State of Ohio vs. Evers, et al., No. 24205	20 35
State of Ohio vs. Crescent Insurance Company, No. 2770	12 90

Appropriation for deficiencies.

State of Ohio vs. Washington County Marine Fire Insurance Company, No. 27771.....	12 60
State of Ohio vs. Western Insurance Company, No. 27772	10 10
State of Ohio vs. Central Ohio Insurance Company, No. 27773.....	8 75
State of Ohio vs. Home Insurance Company, et al., No. 27774.....	8 75
State of Ohio vs. Washington Insurance Company, No. 27775.....	9 90
State of Ohio vs. Citizens Insurance Company, No. 27878	9 15
Fairman, et al., vs. Ohio State Board of Agriculture, No. 34640.....	30 80
Matthews, Superintendent of Insurance vs. Mutual Reserve Fund Life Insurance Company, 38213	5 10

OHIO STATE BOARD OF AGRICULTURE.

Live stock commission for horses affected with glanders and by the commission ordered destroyed	$4,265 50
Live stock commission for horses affected with epizootic lymphangitis and by the commission ordered destroyed.....	150 00
Live stock commission for cattle infected with tuberculosis and by the commission ordered destroyed.....	8,477 17

BOARD OF PUBLIC WORKS.

Armstrong and Okey, official stenographers, for services rendered and expenses incurred in hearings in the investigation of the claims of Theodore Carle, et al., for damages caused by overflow Ohio canal, Pickaway county, Ohio, April and August, 1910	$148 25
Theodore Carle in full settlement of all claims for damages caused by overflow Ohio canal, Pickaway county, Ohio, March, 1908, and March and June, 1909.....	150 00
George E. Goeller, in full settlement of all claims for damages caused by overflow Ohio canal, Pickaway county, Ohio.....	300 00
Fred Lutz and Charles Kline in full settlement of all claims for damages caused by overflow Ohio canal, Pickaway county, Ohio..	50 00
S. W. Parshall, Akron, Ohio, in full settlement of all claims for balance due on contract for construction of canal locks.....	2,206 72

EMPLOYERS' LIABILITY COMMISSION OF OHIO.

Expenses of commission prior to January 1, 1911	$6,281 71	Appropriation for deficiencies.

BOARD OF STATE CHARITIES.

Salary of record clerk	$70 00

OHIO SOLDIERS' CLAIMS.

Salaries of extra clerks	$80 00

INSURANCE DEPARTMENT.

For refunder of taxes paid under protest by the following insurance companies under ruling of the superintendent of insurance of Ohio and which said rulings of the said superintendent of insurance has recently been held by the supreme court of Ohio an erroneous interpretation of the then law:	
Equitable Life Assurance Society of the United States	$2,673 94
Northwestern Mutual Life Insurance Company	18,107 21
Mutual Life Insurance Company of New York	7,161 86
Pittsburg Life and Trust Company	2,860 96

SUPREME COURT AND LAW LIBRARY.

Contingent expenses	$751 64

TREASURER OF STATE.

For amount paid J. B. Tanner for services rendered in installation of new system of accounting and transfer of funds and securities in office of treasurer of state	$435 50
For amount advanced to pay premiums on surety company bonds, required to be given by treasurer of state, for years 1909, 1910 and 1911	5,400 00

GIRLS' INDUSTRIAL HOME.

Installation of new boilers and steam heating, water connections and lighting system	$124 50

MASSILLON STATE HOSPITAL.

Rent of residence and subsistence of steward May 15, 1910, to September 15, 1910	$240 00

OHIO STATE SANATORIUM—CONSTRUCTION COMMISSION.

Appropriation for deficiencies.

Sewerage system and sewage disposal.....	$72 36
Furnishings and services.....	115 50
Roads, grading and landscape work.....	13 65

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Sewerage system and sewage disposal plant...	$5,310 39

MISCELLANEOUS.

Drake Coal Company, Cleveland, Ohio, in full settlement of all claims on contract to furnish coal for the Ohio state reformatory from April 1, 1905, to April 1, 1906.....	$641 46
Expenses committee appointed under the provisions of house joint resolution No. 20, 78th general assembly of Ohio.....	218 70
Mrs. Ethel Zimmerman nee Dedrick, Dayton, Ohio, in full settlement of all claims for loss of her right arms by amputation at the shoulder and the pain, suffering and damages incident thereto on account of said arm being caught in a laundry mangle while the said Mrs. Ethel Zimmerman nee Dedrick was an inmate of the girls' industrial home, Delaware, Ohio, July 21, 1905	1,000 00

It is hereby provided that before a warrant on the treasury be drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which the said Mrs. Ethel Zimmerman nee Dedrick is residing, and that the said trustee is hereby authorized to invest the said one thousand dollars in a home for the benefit of the said Mrs. Ethel Zimmerman nee Dedrick; that at her death said property shall go to the heirs of her body, or, in case there are none such living, then to her husband; that in the event of the death of the said husband and heirs before that of the said Mrs. Ethel Zimmerman nee Dedrick, then at her death, said property shall revert to and become the property of the state of Ohio.

W. A. Owen, M. D., Groveport, Ohio, in full settlement of all claims for medical services rendered and expenses incurred in the treatment of Thomas Rohr and Catherine Rohr for hydrophobia, December, 1904...	555 00

Harry Weidenbach, Columbus, Ohio, in full settlement of all claims for restoring oil paintings in state house.....	100 00	Appropriation for deficiencies.
H. M. Mingus in full settlement of all claims for loss of two fingers and thumb and the pain, suffering and damages incident thereto; said injuries resulting from an unprotected buzz saw and while said Mingus was in the line of duty as an employe at the Columbus state hospital, August 23, 1909	1,000 00	
For the payment of veteran bounty for reenlistment, December 15, 1863, as follows:		
Thomas Bogan, Company K, Fourteenth Regiment of Ohio Volunteer Infantry.....	100 00	
Jacob Kohli, Company K, Fourteenth Regiment of Ohio Volunteer Infantry.....	100 00	
William P. Elwell, Company K, Fourteenth Regiment of Ohio Volunteer Infantry...	100 00	
Nicholas Hoffman, Columbus, Ohio, in full settlement of all claims for loss of right arm and pain, suffering and damages incident thereto on account of said arm being caught in a dough mixer while the said Nicholas Hoffman was in the line of duty as an employe at the Columbus state hospital, June 22, 1905.....	1,500 00	
Mansfield Packing Company corporation fee erroneously paid secretary of state.....	75 00	
Union Realty Company, Toledo, Ohio, for corporation fee erroneously paid secretary of state	30 00	
Allyn Brass Foundry Company, Cleveland, Ohio, for corporation fee erroneously paid secretary of state.....	50 00	
Evans and Turner, Columbus, Ohio, for corporation fee erroneously paid secretary of state	50 00	
Charles C. Chopp, Cleveland, Ohio, for automobile license fee erroneously paid secretary of state.....	5 00	
M. V. B. Stump, Commercial Point, Ohio, in full settlement of all claims for expenses incurred for burial of his brother, Byron W. Stump, who, while in the line of his duty as parole officer at boys' industrial school and in the pursuit of escaped inmates of that institution was killed by a train at Lancaster, Ohio.....	150 00	
John A. Price compensation as trustee in the case of the state of Ohio ex. rel. Wade H. Ellis, attorney general, vs. The King Bridge Company, et al., as fixed by order of the circuit court, Logan county.....	100 00	

Appropriation for deficiencies.

John A. Price, administrator of the estate of Ben S. Johnson, deceased, for said Johnson's compensation as trustee in the case of the state of Ohio ex. rel. Wade H. Ellis, attorney general vs. The King Bridge Company, et al., as fixed by order of the circuit court, Logan county.....	50 00
James Kernan compensation as trustee in the case of the state of Ohio ex. rel. Wade H. Ellis, attorney general vs. The King Bridge Company, et al., as fixed by order of the circuit court, Logan county.....	100 00
Thomas M. Shea compensation as trustee in the case of the state of Ohio ex. rel. Wade H. Ellis, attorney general, vs. The King Bridge Company, et al., as fixed by order of the circuit court, Logan county.....	50 00
John A. Price, administrator of the estate of Ben S. Johnson, deceased, for expenses of said Johnson as trustee in the case of the state of Ohio, ex. rel. Wade H. Ellis, attorney general, vs. The King Bridge Company, et al., as fixed by order of the circuit court, Logan county.....	10 00
C. L. Lane and Company, agents of The Bankers Surety Company, for unpaid premium on bond of trustees in the case of the state of Ohio ex. rel. Wade H. Ellis, attorney general, vs. The King Bridge Company, et al., as fixed by order of the circuit court, Logan county.....	10 00
R. A. Graham, clerk courts, Logan county, costs in the case of the state of Ohio ex. rel. Wade H. Ellis, attorney general, vs. The King Bridge Company, et al., as fixed by order of the circuit court, Logan county	46 46
Mrs. Emma J. Hollingsworth in full settlement of all claims for services rendered for painting oil portraits of Governors Thomas Corwin, Thomas Kirker, Robert Lucas and Wilson Shannon at $250 each..	1,000 00
Solar Prism Company, Cleveland, Ohio, for corporation fee erroneously paid secretary of state.....	71 00

SECTION 2. The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the Senate finance committee, the chairman of the House finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just, and in the event said committee finds the law relating to creat-

ing deficiencies has been violated by any official or board, it shall report the same to the governor in writing.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 15, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
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[House Bill No. 566.]

AN ACT

To make general appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

General appropriations.

Salary of chief clerk	$200 00
Salary of one of the seven clerks as bookkeeper	300 00
Salary of superintendent state arsenal	100 00
Salaries of two stenographers at $900 each	360 00
Salary of card file clerk	450 00
Contingent expenses	2,500 00

STATE HOUSE AND GROUNDS.

Salaries of extra laborers and carpenter	$160 00
Electric current for light and power for state house	7,000 00
Care and repair of heating apparatus	700 00
Fuel for state house	4,000 00
Material and repairs	4,000 00
Flags for state house	100 00

General appropriations.

For expenses taking care of Senate Chamber, Hall of the House, rooms of the President of the Senate and Speaker of the House, offices of the clerk of the Senate and clerk of the House, and committee rooms of the General Assembly, during year 1911	2,000 00

OHIO NATIONAL GUARD.

State armory fund	$200,000 00
Maintenance Ohio national guard	206,005 30

OHIO STATE BOARD OF AGRICULTURE.

Salary of secretary	$3,000 00
Salary of assistant secretary	1,950 00
Salary of chief clerk	1,050 00
Salary of state veterinarian	2,400 00
Salary of assistant state veterinarian	1,125 00
Salary of chief field veterinarian	1,125 00
Salaries of four field veterinarians at $1,200 each	3,600 00
Salary of specialist tuberculosis investigations.	1,500 00
Salary of pathologist	1,500 00
Salary of fertilizer clerk	990 00
Salary of deputy inspector of fertilizers and feeds	900 00
Salary of bookkeeper	750 00
Salaries of three stenographers, one at $1,000, one at $900 and one at $720	1,965 00
Salary of chief inspector of nurseries and orchards	1,575 00
Salary of chief deputy inspector of nurseries and orchards	900 00
Salaries of five deputy inspectors of nurseries and orchards, four at $1,080 each and one at $900	3,915 00
Salary of superintendent of state fair grounds..	750 00
Salary of messenger	630 00
Salaries of four laborers at serum plant, one at $840, one at $720, one at $600 and one at $540	2,025 00
Salaries of extra inspectors	2,000 00
Encouragement of agriculture	8,000 00
Contingent expenses	5,000 00
Expenses of officers, employes and members of board	15,600 00
Suppression and prevention of diseases among live stock	3,000 00
Building and equipment for serum farm to cost $75,000 complete	30,000 00
Additions to cattle barn complete	12,000 00
Additions to sheep barn complete	12,000 00

Roads and drainage	5,000 00
Painting buildings	2,000 00
Building for fire department	3,000 00
Supplementary farmers' institute work	5,000 00
Apiary inspection	2,000 00

ATTORNEY GENERAL.

Special counsel	$34,000 00
Special counsel, canal matters	2,800 00
Furniture, carpets and books	1,000 00
Stenographic work	2,400 00
Costs in cases brought by state	1,500 00
Contingent expenses	1,300 00
Expenses investigation and prosecution Newark riot	8,000 00

AUDITOR OF STATE.

Salary of bookkeeper and sinking fund clerk	$200 00
Salary of extra clerk	900 00
Contingent expenses	3,000 00
Furniture and carpets	100 00
Shelving, repairs and file cases	500 00
Investigating public school lands	1,500 00
Purchase of adding machine	550 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	$2,000 00
Field work Fort Ancient, Serpent Mound and Spiegel Grove Park	1,800 00
Publications	3,300 00
Building for museum and library purposes to cost $100,000 complete	50,000 00
For erection and equipment of Hayes Commemorative Library and Museum Building, on Spiegel Grove, Fremont, same to be property of State of Ohio, under custodianship of the Ohio State Archæological and Historical Society, to confirm title with additional donation by Col. Webb C. Hayes, to cost complete $40,000	20,000 00
For the proportion of the State of Ohio on account of improvement of abutting property of the Spiegel Grove State Park for the street paving (1,300 ft.) on Hayes and and (2,000 ft.) on Buckland avenue, State's proportion complete $10,000	5,000 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members	$2,500 00

General appropriations.

SUPERINTENDENT OF BANKS.

Salary of chief examiner	$300 00
Salaries of nine examiners at $2,100 each	5,300 00
Salaries of assistant examiners	2,250 00
Salaries of two stenographers at $900 each	675 00
Salaries of extra clerks	1,800 00
Salary of statistician	1,000 00
Salary of messenger	500 00
Traveling expenses	8,000 00
Contingent expenses	1,500 00
Furniture and carpets	750 00
Rent of offices	950 00

BOARD OF STATE CHARITIES.

Salary of secretary	$600 00
Salaries of five assistant agents at $1,500 each	5,937 50
Salary of cashier	950 00
Salaries of extra clerks	500 00
Contingent expenses	2,100 00
Furniture and carpets	300 00
Expenses of board	750 00
Expenses of board of lady visitors	450 00
Expenses of agents	5,000 00
State conference	250 00
Investigations ordered by the governor	500 00
Rent of offices	1,150 00

STATE BOARD OF HEALTH.

Salary of bacteriologist	$1,380 00
Salary of epidemiologist	500 00
Salaries of three laboratory assistants	180 00
Salaries of three stenographers	600 00
Salaries of two laboratory helpers	240 00
Salary of messenger and mailing clerk	180 00
Per diem and traveling expenses of members of board and employes	2,500 00
Apparatus, fittings and supplies engineering department and laboratories	200 00
Contingent expenses	2,000 00
Furniture and carpets	200 00

BOARD OF PUBLIC WORKS.

Traveling expenses of members	$1,000 00
Traveling expenses of engineers	900 00
Contingent expenses	700 00
Land department	13,500 00
Safe, desk and filing cases	350 00

Construction of a levee near the west corporation line of Grand Rapids, Wood county, Ohio	2,000 00	General appropriations.
Miami and Erie canal for maintenance and improvements, balances and receipts		
Ohio canal for maintenance and improvements, balances and receipts		

DAIRY AND FOOD COMMISSIONER.

Salaries of two assistant commissioners at $1,200 each	$400 00
Salary of chief inspector of weights and measures	1,125 00
Salary of assistant inspector of weights and measures	750 00
Contingent expenses for inspection of weights and measures	500 00
Salary of chief inspector	1,500 00
Salaries of two inspectors of drugs at $1,200 each	1,800 00
Salaries of two inspectors of dairies at $1,200 each	1,800 00
Salaries of five inspectors of pure foods at $1,000 each	3,750 00
Salaries of extra clerks and inspectors	1,000 00
Traveling expenses of inspectors of drugs, dairies and pure foods	9,000 00
Analyses and publication	12,000 00
Contingent expenses	1,000 00
Traveling expenses of liquor tax inspectors	4,800 00
Expenses of delegates to 1911-1912 national conference on weights and measures	100 00
Contingent expenses for collection of liquor tax	3,000 00
Furniture and carpets	50 00
Library	50 00

CHIEF EXAMINER STEAM ENGINEERS.

Traveling expenses	$1,700 00
Contingent expenses	4,500 00
Furniture and carpets	200 00

COMMISSIONERS OF FISH AND GAME.

General expenses	$13,000 00
Fish hatcheries at London	1,000 00
Patrol boats, balances and	3,500 00
Inland fish propagation	1,000 00

BUREAU OF LABOR STATISTICS.

Contingent expenses	$10,000 00

COMMISSIONER OF PUBLIC PRINTING.

General appropriations.

For printing paper	$30,000 00
Publication of railway map of Ohio	7,000 00

OHIO SOLDIERS' CLAIMS.

Furniture and carpets	$100 00
For compensation to Ohio soldiers serving during the civil war under the provisions of Senate joint resolution No. 76, adopted May 9, 1908	4,500 00

STATE COMMISSIONER OF COMMON SCHOOLS.

Traveling expenses of two school inspectors at $750 each	$200 00
Salaries of four supervisors of agriculture at $2,000 each	4,334 00
Traveling expenses of supervisors of agriculture	2,000 00
Contingent expenses	1,400 00
Furniture and carpets	100 00

GEOLOGICAL SURVEY.

Geological survey, balances and receipts and	$5,057 00

STATE HIGHWAY DEPARTMENT.

Contingent expenses	1,000 00
Experimental road work	3,000 00
State aid in road building	440,000 00

Provided, that this appropriation shall not be paid out by said state highway department or used in any other manner than in new construction in counties having less than two hundred miles of macadam, gravel or brick road, and no part of such appropriation shall be paid to any county for repairs on dirt or unimproved road; but in counties having more than two hundred miles of macadam, gravel or brick road, it may be used for new construction or improvement of said roads as the county commissioners may decide.

For equipping and operating laboratory for testing road building materials and for services and expenses in collecting samples of said materials	2,500 00

CHIEF INSPECTOR OF MINES.

Traveling expenses of twelve district inspectors	$6,300 00	General appropriations.
Contingent expenses	1,000 00	
Furniture and carpets	100 00	
Rescue training station and equipment	800 00	

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of statistician	$1,125 00
Traveling expenses of chief inspector	125 00
Traveling expenses of twenty-five inspectors	9,400 00
Traveling expenses of eight lady visitors	2,000 00
Contingent expenses	800 00
Furniture and carpets	600 00
Rent of offices—Columbus	1,230 00
Rent of offices—Cleveland and Cincinnati	100 00

INSURANCE DEPARTMENT.

Salaries of extra clerks	$1,000 00
Contingent expenses	1,500 00
Furniture and carpets	200 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Traveling expenses of examiners and deputy inspectors	$4,500 00
Contingent expenses	500 00
Furniture and carpets	200 00

LEGISLATURE.

Expenses of legislative committees	$5,000 00
Completing journals, Senate and House	2,400 00
Contingent expenses Senate clerk	200 00
Contingent expenses House clerk	500 00
Contingent expenses of the House	5,000 00
Contingent expenses care both houses	2,500 00
Printing enrolled bills	3,000 00

RAILROAD COMMISSSON OF OHIO.

Salary of inspector of locomotive boilers	$1,350 00
Traveling expenses of inspector of locomotive boilers	500 00
Rent of offices	2,500 00

SECRETARY OF STATE.

Salary of superintendent of shipping and distribution	$1,125 00
Salary of shipping clerk	1,012 50
Salary of assistant shipping clerk	900 00

General appropriations.

Salary of janitor	585 00
Contingent expenses	2,500 00
Stationery fund	5,500 00
Expenses of distribution of books, reports and papers	7,500 00
Offices and basement repairs and equipment complete	6,500 00

BUREAU OF VITAL STATISTICS.

Salary of assistant compiling clerk	$540 00
Salary of inspector	1,000 00
Contingent expenses	3,700 00
Furniture and carpets	150 00
Steel furniture and construction of vaults	1,150 00

STATE LIBRARY.

Books and papers	$3,000 00
Contingent expenses and extra labor	1,500 00
For traveling library department	13,000 00
Furniture and carpets	500 00
For department of library organization	3,000 00
Legislative reference department	5,000 00

SUPERVISOR OF PUBLIC PRINTING.

State printing	$50,000 00
State bindery	20,000 00
Furniture and carpets	300 00
Machinery and repairs	500 00
Shelving, safe and remodeling office	1,200 00

SUPREME COURT AND LAW LIBRARY.

Contingent expenses, including porters	$2,500 00
Books and legal publications for law library	2,500 00
Steel shelving and connections	2,000 00
Furniture and carpets	400 00

CLERK OF THE SUPREME COURT.

Contingent expenses, including safe	$485 00

TAX COMMISSION OF OHIO.

Salary of auditor	$2,700 00
Salary of secretary	2,250 00
Salaries of two special accountants, one at $2,700 and one at $2,400	3,825 00
Salary of special examiner	1,800 00
Salary of corporation fee clerk	1,500 00
Salary of assistant corporation fee clerk	1,125 00

Salary of excise tax clerk	1,350 00
Salary of accountant	1,350 00
Salaries of seven clerks, five at $1,500 and two at $1,200 each	7,425 00
Salaries of six stenographers at $900 each	4,050 00
Salary of switchboard operator	450 00
Salaries of additional examiners, experts, clerks, accountants, stenographers and other assistants	13,950 00
Contingent expenses	5,000 00
Rent of offices	3,000 00
Traveling expenses	5,000 00
Furniture and carpets	500 00
Steel file cases	400 00

TOPOGRAPHIC SURVEY.

For co-operation with the U. S. geographical survey, in the preparation and completion of a contour topographic survey and map of this state, balances and	$10,000 00

To be paid upon vouchers approved by the governor, and the governor is hereby authorized to arrange for carrying on such work with the representatives of the U. S. geological survey, and he may accept or reject the work of the U. S. geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.

TREASURER OF STATE.

Salary of tax clerk	$1,200 00
Salary of assistant tax clerk	1,125 00
Salary of bond clerk	900 00
Salary of general clerk	900 00
Salary of stenographer	180 00
Contingent expenses	2,500 00
Furniture and carpets	350 00
Remodeling of offices	400 00
Steel file cases	250 00
Premium on bond of treasurer of state	1,800 00

OHIO AGRICULTURAL EXPERIMENT STATION.

Administration	$20,000 00
Furniture and carpets	750 00
Agronomy	11,685 00
Animal husbandry	10,000 00
Botany	5,000 00
Co-operative experiments	20,000 00

General appropriations.

Entomology	2,600 00
Forestry	5,400 00
Soils	15,000 00
Chemistry	2,600 00
Horticulture	12,000 00
Nutrition	5,000 00
Dairy husbandry	7,200 00
Purchase of land at Germantown	6,355 00
Addition to administration building complete	20,000 00
Addition to power house and equipment complete	10,000 00
Construction of sheds	3,500 00

THE OHIO BOARD OF ADMINISTRATION.

Salaries, uses and purposes of Board in accordance with the provisions of Amended House Bill No. 146	$50,000 00

OHIO PENITENTIARY.

Current expenses	$91,000 00
Salaries of officers	24,050 00
Salaries of guards	55,000 00
Ordinary repairs and improvements	5,000 00
Rewards to discharged convicts	9,200 00
Expenses of executions	200 00
Religious services and library	1,000 00
Furniture and carpets	500 00
Maintenance of families of those convicted of non-support	5,000 00
To complete the improvements on the dining room and the cell block now under construction or so much thereof as may be required	75,000 00
Provided, that this appropriation be excepted from the following provision of section No. 4 of Substitute House Bill No. 26, passed March 12, 1909: "The board of managers shall comply with the general provisions of the statutes of Ohio, in regard to advertising and receiving bids for material and labor for the erection of public buildings."	
For capital for industrial fund	50,000 00
Buildings at custodial farm	5,000 00
Construction and equipment for transmission of electric current for light and power to state house and state institutions	20,000 00
Receipts from sale of electric current	

OHIO STATE REFORMATORY.

Current expenses	$58,000 00
Salaries of managers	1,000 00

General appropriations.

Salaries of officers	7,500 00
Salaries of guards and instructors	35,000 00
Ordinary repairs and improvements	12,000 00
Rewards to outgoing prisoners	2,000 00
Maintenance of families of those convicted of non-support	1,500 00
Repair and improvement of electric light and power plant	5,000 00
Purchase of land and improvements	8,500 00
Material and equipment for industrial departments	10,000 00

OHIO REFORMATORY FOR WOMEN.

Expenses, uses and purposes of commission in accordance with the provisions of Senate Bill No. 140 building to cost not to exceed $350,000.00 complete	$100,000 00

BOYS' INDUSTRIAL SCHOOL.

Current expenses	$65,000 00
Salaries of officers, teachers and trustees' expenses	23,000 00
Ordinary repairs and improvements, including gas wells	7,000 00
Rewards	700 00
Necessary additions and improvements in power plant	2,500 00

GIRLS' INDUSTRIAL HOME.

Current expenses	$55,000 00
Salaries of officers, teachers and trustees' expenses	17,600 00
Ordinary repairs and improvements	22,000 00
Furniture and carpets	9,000 00
Musical instruments, books and amusements	1,500 00
Extending industrial training	2,500 00
Constructing and furnishing one new cottage complete	40,000 00
Enlarging technical and industrial building complete	15,000 00
Repairing and refurnishing cottage No. 3	5,000 00
Remodeling and refurnishing cottage No. eight.	5,000 00
Repairing road from girls' industrial home to home siding	1,000 00

Provided, the commissioners of Delaware county, Ohio, make an appropriation of a like amount for this same purpose.

GIRLS' INDUSTRIAL HOME—RAILWAY COMMISSION.

General appropriations.

To an honorary commission of three persons, who shall be appointed by the governor, the sum of $25,000 00

Said commission not to be required to be confirmed by the senate and to serve without compensation. Said commission shall enter into a contract, to be approved by the attorney general and the governor, with any electric railway company, for the construction on its part of a line of electric railway from Dublin, Franklin county, Ohio, to or near the girls' industrial home in Delaware county, Ohio. Said sum of $25,000.00 to be paid to said electric railway company upon vouchers signed by said commission at such times and upon such terms and conditions as shall be agreed upon between said commission and such electric railway company, and approved by the attorney general.

ATHENS STATE HOSPITAL.

Current expenses	$130,000 00
Salaries of officers and trustees' expenses	3,500 00
Ordinary repairs and improvements, including new road to farm	10,000 00
Furniture and carpets, including furnishings for tubercular cottages	3,500 00
Library for patients	250 00
Purchase of cows	2,000 00
New boilers for heating system	4,250 00
Dairy barn to accommodate one hundred cows and equipment complete	10,000 00
Two new wells, equipment and connections complete	8,750 00

CLEVELAND STATE HOSPITAL.

Current expenses	$170,000 00
Salaries of officers and trustees' expenses	6,660 00
Ordinary repairs and improvements	10,000 00
Furniture and carpets	2,500 00
Remodeling and addition to kitchen complete.	20,000 00

Authority is hereby given to the trustees of the Cleveland State Hospital and their successors to sell to the city of Cleveland for eighteen thousand dollars ($18,000.00), at private sale the following described property, and upon failure of the city of Cleveland to purchase said property before September 1st, 1911, then to advertise for public sale,

in not less than two newspapers of general circulation in Cuyahoga county, and for not less than six insertions which shall extend over a period of at least six weeks, and having been so advertised to sell at public sale and to the highest bidder, and upon payment of the purchase price to deliver by a sufficient deed in consideration of the sum of not less than eighteen thousand dollars, ($18,000.00), a tract of land containing about eighteen and 75/100 (18.75) acres, the property of the state of Ohio, situated in the village of South Newburgh, in the county of Cuyahoga, and known as being a part of original one hundred acre lot No. 482, and the money obtained from said sale shall be paid into the state treasury to a separate fund, and when sold, the amount of eighteen thousand dollars ($18,000.00) of the sum realized from said sale, is hereby appropriated for the purchase of the following additional lands for the Cleveland State Hospital; situated in the city of Cleveland and in the village of South Newburgh formerly the hamlet of Newburgh, county of Cuyahoga and state of Ohio, and known as being part of one hundred acre lot No. 473 in Cleveland city and of No. 474 in Newburgh hamlet, and bounded as follows:

Beginning upon the south line of said lot 474, and at the easterly line of Jay street in Jehiel Stewart's allotment of 473 and 474, as recorded in Volume 8, Page 33 of Maps, and about 356 feet east of the southeast corner of lot 474; thence east along the south line of said lot 474, 403 feet to a stone in Hoyt's west line; thence north, and along the west line of said land of Hoyt, 1168 feet to the center of Broadway; thence northeasterly, along the center of Broadway, about 185 feet to land known as the "Leland farm" on lot 474; thence west 422.92 feet to the line of land of the state of Ohio for asylum use; thence southwesterly, along the line of land of said state to the easterly line and north end of Jay street in Jehiel Stewart's allotment; thence southeasterly, along the easterly line of Jay street, 1130 feet to the place of beginning, containing about twenty acres of land, but excepting from the same sub-lot Nos. 44, 45, 50 and 15 feet south side of

General appropriations.

sub-lot No. 49 in an allotment of the lands herein by Higley and Crowell (which allotment has lapsed), and in this description containing about 18.75 acres of land.

A statement of title to said property shall be furnished and title and deed for said lands shall have the approval of the attorney general.

COLUMBUS STATE HOSPITAL.

Current expenses	$172,000 00
Salaries of officers and trustees' expenses	4,750 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets, including one hundred beds	4,500 00
Enlarging and repairing store room complete	5,000 00

DAYTON STATE HOSPITAL.

Curent expenses	$118,000 00
Salaries of officers and trustees' expenses	5,500 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets	2,000 00
Dairy barn to accommodate one hundred cows and equipment complete	10,000 00

LIMA STATE HOSPITAL.

Construction	$350,000 00
Expenses of commission	400 00
Farm improvements, balances and receipts	
Grading walks and drives	2,000 00
Water supply	8,500 00
Reservoir	7,750 00

LONGVIEW STATE HOSPITAL.

Current expenses	$150,000 00
Salaries of officers and trustees' expenses	4,400 00
Ordinary repairs and improvements	11,800 00
Furniture and carpets	2,500 00

MASSILLON STATE HOSPITAL.

Current expenses	$132,000 00
Salaries of officers and trustees' expenses	7,000 00
Ordinary repairs and improvements	13,000 00
Furniture and carpets, including beds	2,500 00
Dairy cows	1,000 00
Additional pig pens complete	1,000 00
Root cellar complete	1,000 00
State's share of assessment for road construction	900 00

General appropriations.

Material for road construction	1,000 00
Grading and building cement walks	1,000 00

OHIO STATE SANATORIUM.

Current expenses	$30,000 00
Salaries of officers and trustees'expenses	1,800 00
Ordinary repairs and improvements, including fencing and drainage	4,000 00
Religious services, pianos, library, amusements and pictures	500 00
Live stock	1,000 00
Furniture and carpets	1,500 00
Screens	2,000 00

OHIO STATE SANATORIUM—CONSTRUCTION COMMISSION.

Roads, walks, planting and grading	$5,000 00
Poultry house, yards and equipment	500 00
Silo complete	350 00
Stalls and fittings	750 00
Cement floors and attendants' room in barn	1,000 00
Dairy equipment	500 00
Hog pens complete	500 00
Electric lighting of shacks, including fixtures	4,900 00
Constructing floor in engine room complete	275 00
Lighting of grounds	1,000 00

TOLEDO STATE HOSPITAL.

Current expenses	$200,000 00
Salaries of officers and trustees' expenses	4,500 00
Ordinary repairs and improvements	20,000 00
Furniture and carpets	3,000 00
Remodeling cottage "C" complete	6,250 00
Equipment of cottages with fire escapes complete	5,000 00
Construction of tubercular pavilions complete	2,000 00

OHIO STATE SCHOOL FOR THE BLIND.

Current expenses	$36,100 00
Salaries of officers, teachers and trustees' expenses	15,000 00
Ordinary repairs and improvements	10,000 00
Furniture and carpets	1,800 00
Pianos and school supplies	1,500 00
Oculist and oculist's supplies	500 00
Industrial departments	7,500 00
Completion of tile floors in corridors	4,200 00
Automatic stokers	3,000 00

OHIO COMMISSION FOR THE BLIND.

General appropriations.

Current expenses and prevention of blindness..	$5,500 00
Salaries of officers, teachers and commissioners' expenses	4,750 00
Shops, machinery, stock, working capital.....	12,000 00
Assisting home workers.....	1,250 00
Furniture and carpets.....	300 00
File cases	200 00
Completing census	3,000 00
Receipts	

STATE SCHOOL FOR THE DEAF.

Current expenses	$37,500 00
Salaries of officers, teachers and trustees' expenses	27,200 00
Ordinary repairs and improvements.....	7,000 00
Furniture and carpets.....	600 00
Foremen and supplies industrial pursuits.....	3,000 00
Lumber and nails for boxes.....	250 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses	$168,000 00
Salaries of officers and trustees' expenses.....	7,000 00
Ordinary repairs and improvements, including new road construction.....	20,000 00
Furniture and carpets, including two hundred new beds	3,500 00
Investigation and study of the nature and cause of epilepsy	2,000 00
Water softening plant complete.....	4,000 00
Enlarging dairy barn and purchase of cows...	4,000 00
Repairs and alterations to superintendent's residence complete	3,000 00
Purchase of land.....	12,500 00

INSTITUTION FOR FEEBLE-MINDED YOUTH.

Current expenses	$147,000 00
Salaries of officers, teachers and trustees' expenses	10,000 00
Ordinary repairs and improvements.....	19,000 00
Furniture and carpets.....	2,500 00
Ordinary repairs and improvements at custodial farm	3,000 00
Purchase of cows.....	1,000 00
Repairs and equipment of cottage.....	1,000 00
Repairing heating system.....	3,500 00
Finishing and equipping dining and kitchen buildng at custodial farm complete.....	15,714 00
New levee on bottom land.....	7,929 80

Construction of cisterns	3,500 00
New steam line to laundry	1,500 00
Elevator in administration building	1,800 00
Balance appropriation for paving Central avenue be and the same is hereby re-appropriated for paving Central avenue and Broad street	

OHIO SOLDIERS' AND SAILORS' HOME.

Current expenses, amount received from the general government and	$60,000 00
Salaries of officers and trustees' expenses	4,500 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets, including new beds	1,500 00
Hospital kitchen and cold storage complete	12,000 00
Hot water pump and fittings	1,355 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses	$110,000 00
Salaries of officers, teachers and trustees' expenses	21,000 00
Ordinary repairs and improvements, including remodeling children's dining hall	15,000 00
Furniture and carpets, including $1,000 for dining room furnishings	3,000 00
Industrial pursuits	5,000 00
Salaries of foremen and instructors	11,000 00
Religious services, amusements, library and pictures	1,500 00
Net earnings	1,300 00
Support of orphans outside	1,500 00
Detention ward for hospital complete	500 00
The unexpended balance appropriated for change of lights be and the same is hereby re-appropriated for improving hospital...	

HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, MOTHERS, WIDOWS AND ARMY NURSES.

Maintenance	$9,500 00
Ordinary repairs and improvements	750 00
Construction of barn complete	3,000 00

MIAMI UNIVERSITY.

Maintenance and equipment of normal college	$35,000 00
Apparatus for university purposes	8,000 00
Repairs and improvements of buildings and grounds	10,000 00
Uses and purposes of library	5,000 00
Construction of women's dormitory for normal school to cost $75,000 complete	37,500 00

General appropriations.

Rebuilding pipe organ	1,800 00
Return condensation line from normal college building to heating plant complete	1,200 00
Summer session	2,000 00
Receipts	

OHIO STATE UNIVERSITY.

Equipment power house	$8,000 00
Extension work in agriculture and mechanic arts	40,000 00
Repairs and improvement of buildings and grounds	25,000 00
Scientific apparatus laboratory equipment	5,000 00
Uses and purposes of library	20,000 00
Live stock and maintenance	5,000 00
Veterinary clinic building equipment	5,000 00
Fire escapes and remodeling university hall	3,000 00
Bonds due December 1, 1911	25,000 00
Interest on $55,000 bonds due December 1, 1911	2,475 00
For construction library to cost $250,000 complete	100,000 00
Equipment mechanical engineering laboratory	5,000 00
Equipment electrical engineering laboratory	5,000 00
Equipment agronomy department	2,000 00
Equipment for university farm	2,000 00
Equipment dairy department	2,000 00
Summer session	10,000 00
Completion of coal handling plant	4,100 00
Extension tunnel system to library building	6,300 00
Additional farm lands for grazing purposes and improvements	10,000 00
Farm machinery	2,000 00
Storage building	10,000 00
Poultry building and equipment complete	7,500 00
Sidewalks High street and Eleventh avenue	2,500 00
Receipts	

OHIO UNIVERSITY.

Ewing hall bonds	$5,000 00
Apparatus for university purposes	8,000 00
Additional equipment for library	5,000 00
For construction of a science hall for the state normal college to cost $75,000 complete	37,500 00
One year's interest on $15,000 Ewing hall bonds	750 00
Completing steam connections in Ellis hall	2,500 00
To make science hall fireproof	5,000 00
Repairs and improvement of buildings and grounds	5,000 00
Maintenance and equipment of the state normal college	25,000 00
Summer session	2,000 00
Receipts	

WILBERFORCE UNIVERSITY.

General appropriations.

Current expenses	$12,597 56
Salary of secretary and trustees' expenses	650 00
Ordinary repairs and improvements	7,093 91
Industrial departments	6,417 85
Hot water main Arnett hall to Galloway hall	4,095 00
Furnishing girls' dormitory	550 00
Furnishing center section girls' dormitory complete	1,242 15
Improvement and betterment of grounds	3,748 12
Fire escapes and fire extinguishers	1,200 00
North section girls' dormitory complete	14,000 00
Receipts	

STATE NORMAL SCHOOLS.

For construction at Kent	$50,000 00
For construction at Bowling Green	50,000 00

OHIO BOARD OF PHARMACY.

Remodeling office	$200 00
Investigating and prosecuting the illegal sale of cocaine and other narcotics	3,500 00

STATE MEDICAL BOARD.

Remodeling office	$200 00

PERRY'S VICTORY CENTENNIAL COMMISSION OF OHIO.

Expenses Perry memorial and centennial celebration at Put-in-Bay, to be disbursed by Perry's Victory Centennial Commission of Ohio	$25,000 00

MISCELLANEOUS.

Painting portrait of Governor Judson Harmon.	500 00

SECTION 2. That the moneys appropriated in the preceding section shall be available to pay liabilities incurred on and after February 16, 1911, but shall not in any way be expended to pay liabilities or deficiencies existing prior to February 16, 1911, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

General appropriations.

No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing that competitive bids were secured or that it was an emergency requiring immediate purchase; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of all such receipts and expenditures, as may be required by such auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated. Appropriations made for new buildings or improvements are intended to construct the buildings or make the improvements complete. Departments and institutions must have plans and specifications made accordingly.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 14th, 1911.

JUDSON HARMON,
Governor.
173.

[House Bill No. 616.]

AN ACT

To make general appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit: General appropriations.

ADJUTANT GENERAL'S DEPARTMENT.

Salary of adjutant general	$3,500 00
Salary of assistant adjutant general	2,000 00
Salary of assistant quartermaster general	2,000 00
Salary of chief clerk	1,600 00
Salaries of six clerks at $1,200 each	7,200 00
Salary of bookkeeper	1,500 00
Salary of superintendent state arsenal	1,500 00
Salaries of two stenographers at $900 each	1,800 00
Salary of card file clerk	600 00
Contingent expenses	3,500 00
Transportation of indigent soldiers	100 00
Furniture and carpets	100 00

STATE HOUSE AND GROUNDS.

Salary of superintendent of laborers	$900 00
Salary of engineer	1,000 00
Salaries of five firemen	4,120 00
Salaries of two visitors' attendants	1,440 00
Salaries of two custodians of flag room	1,440 00
Salaries of two day policemen	1,440 00
Salaries of two night policemen	1,600 00
Salaries of ten regular laborers at $720 each	7,200 00
Salaries of two elevator attendants	1,440 00
Salaries of extra laborers and carpenter	2,160 00
Electric current for light and power for state house	10,000 00
Care and repair of heating apparatus	2,000 00
Fuel for state house	4,000 00
Material and repairs	2,500 00
Flags for state house	100 00
New cables and repairs for elevators in capital annex	200 00
For expenses taking care of Senate chamber, hall of the House, rooms of the President of the Senate and Speaker of the House, offices of the clerk of the Senate and clerk of the House and committee rooms of the General Assembly during year 1912	2,000 00

OHIO NATIONAL GUARD.

General appropriations.

State armory fund	$200,000 00
Maintenance Ohio national guard	276,712 10

OHIO STATE BOARD OF AGRICULTURE.

Salary of secretary	$4,000 00
Salary of assistant secretary	2,600 00
Salary of chief clerk	1,400 00
Salary of state veterinarian	3,600 00
Salary of assistant state veterinarian	1,500 00
Salary of chief field veterinarian	1,500 00
Salaries of four field veterinarians at $1,200 each	4,800 00
Salary of specialist tuberculosis investigations	2,000 00
Salary of pathologist	2,000 00
Salary of fertilizer clerk	1,320 00
Salary of deputy inspector of fertilizers and feeds	1,200 00
Salary of bookkeeper	1,000 00
Salaries of three stenographers, one at $1,000, one at $900 and one at $720	2,620 00
Salary of chief inspector of nurseries and orchards	2,100 00
Salary of chief deputy inspector of nurseries and orchards	1,200 00
Salaries of five deputy inspectors of nurseries and orchards, four at $1,080 each and one at $900	5,220 00
Salary of superintendent of state fair grounds	1,000 00
Salary of messenger	840 00
Salaries of four laborers at serum plant, one at $840, one at $720, one at $600 and one at $540	2,700 00
Salaries of extra inspectors	2,000 00
Contingent expenses	5,000 00
Expenses of officers, employes and members of board	20,000 00
Encouragement of agriculture	11,000 00
Suppression and prevention of diseases among live stock	4,000 00
Ordinary repairs and improvements on state fair grounds	2,000 00
Building and equipment for serum farm to cost $75,000 complete	30,000 00
Supplementary farmers' institute work	5,000 00
Apiary inspection	2,000 00
Building for dairy barn complete	10,000 00
Receipts and balances	

ATTORNEY GENERAL.

General appropriations.

Salary of attorney general	$6,500 00
Salary of first assistant attorney general	4,000 00
Salary of second assistant attorney general	2,500 00
Salary of chief clerk	1,500 00
Salary of Willis tax clerk	1,200 00
Salaries of two stenographers at $1,200 each	2,400 00
Salary of messenger	600 00
Salary of janitor	600 00
Special counsel	35,000 00
Furniture, carpets and books	1,000 00
Stenographic work	2,500 00
Costs in cases brought by state	3,000 00
Contingent expenses	2,000 00
Traveling expenses	1,000 00

AUDITOR OF STATE.

Salary of auditor of state	$6,500 00
Salary of deputy auditor of state	3,000 00
Salary of chief clerk	2,400 00
Salaries of two inspectors and examiners of departments of state	4,400 00
Salary of bookkeeper and sinking fund clerk	2,400 00
Salary of inspector of institutions	2,000 00
Salary of assistant bookkeeper and settlement clerk	1,950 00
Salary of liquor tax deputy	1,750 00
Salary of liquor tax clerk	1,750 00
Salary of land clerk	1,500 00
Salary of filing clerk	1,500 00
Salary of secretary and cashier	1,500 00
Salary of general clerk	1,500 00
Salaries of two excise clerks	2,850 00
Salary of canal and trust fund clerk	1,400 00
Salary of statistical clerk	1,350 00
Salary of transcribing and record clerk	1,350 00
Salary of extra clerk	1,200 00
Contingent expenses	4,000 00
Traveling expenses	2,000 00
Furniture and carpets	200 00
Shelving, repairs and file cases	500 00
Investigating public school lands	2,000 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	$3,000 00
Field work Fort Ancient, Serpent Mound and Spiegel Grove Park	2,800 00
Publications	3,300 00

General appropriations.

For reprinting volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the society's annual publications, each member of the seventy-ninth general assembly to be provided with five copies of each volume, one set for each of the accredited representatives of the press (36), all said volumes to be boxed and delivered under the direction and at the expense of the society	7,000 00
Building for museum and library purposes to cost $100,000 complete	50,000 00
For erection and equipment of Hayes Commemorative Library and Museum Building, on Spiegel Grove, Fremont, same to be property of State of Ohio, under custodianship of the Ohio State Archæological and Historical Society, to confirm title with additional donation by Col. Webb C. Hayes, to cost complete $40,000.00	20,000 00
For the proportion of the State of Ohio on account of improvement of abutting property of the Spiegel Grove State Park for the street paving (1,300 ft.) on Hayes and (2,000 ft.) on Buckland avenue, State's proportion complete, $10,000.00	5,000 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members	$3,000 00

SUPERINTENDENT OF BANKS.

Salary of superintendent	$5,000 00
Salary of chief examiner	2,300 00
Salaries of nine examiners at $2,100 each	18,900 00
Salaries of assistant examiners	3,000 00
Salary of chief clerk	1,800 00
Salary of bookkeeper	1,200 00
Salaries of two stenographers at $900 each	1,800 00
Salary of extra clerks	2,400 00
Salary of statistician	1,000 00
Salary of messenger	500 00
Contingent expenses	1,800 00
Traveling expenses	14,400 00
Rent of offices	2,150 00
Furniture and carpets	150 00

BOARD OF STATE CHARITIES.

Salary of secretary	$2,400 00
Salary of cashier	1,200 00
Salary of clerk	900 00

General appropriations.

Salary of stenographer	720 00
Salary of record clerk	600 00
Salaries of extra clerks	500 00
Salary of agent	1,800 00
Salaries of five assistant agents at $1,500 each	7,500 00
Contingent expenses	2,300 00
Furniture and carpets	200 00
Expenses of board	750 00
Expenses of secretary	600 00
Expenses of board of lady visitors	600 00
Expenses of agents	5,000 00
State conference	250 00
Rent of offices	1,600 00

STATE BOARD OF HEALTH.

Salary of secretary	$3,500 00
Salary of bacteriologist	3,000 00
Salary of chief engineer	3,000 00
Salary of chief clerk	2,000 00
Salary of epidemiologist	2,000 00
Salaries of four assistant engineers	4,800 00
Salaries of three laboratory assistants	3,680 00
Salary of record clerk	1,000 00
Salary of correspondence clerk	1,000 00
Salaries of two general clerks	1,560 00
Salaries of three stenographers	1,860 00
Salaries of two laboratory helpers	960 00
Salary of messenger and mailing clerk	660 00
Salary of plumbing inspector	1,800 00
Salaries of extra clerks	720 00
Per diem and traveling expenses of members of board and employes	8,000 00
Apparatus, fittings and supplies engineering department and laboratories	4,000 00
Contingent expenses	4,000 00
Furniture and carpets	200 00
Rent of offices	1,242 00
Traveling expenses of plumbing inspector	1,000 00
Expenses of pathological work	500 00

OHIO STATE BOARD OF PARDONS.

Salaries including expenses of members	$3,800 00

BOARD OF PUBLIC WORKS.

Salaries of members	$8,700 00
Traveling expenses of members	1,800 00
Salary of chief engineer	3,000 00
Salary of assistant engineer	1,600 00
Traveling expenses of engineers	2,000 00
Salary of secretary	1,500 00

General appropriations.

Salary of stenographer and clerk	900 00
Contingent expenses	1,200 00
Land department	20,000 00
Miami and Erie canal for maintenance and improvements, receipts and balances	
Ohio canal for maintenance and improvements, receipts and balances.	

DAIRY AND FOOD COMMISSIONER.

Salary of commissioner	$1,000 00
Expenses of commissioner	750 00
Salaries of two assistant commissioners at $1,200 each	2,400 00
Expenses of two assistant commissioners	1,500 00
Salary of chief inspector	2,000 00
Salary of chief clerk	1,200 00
Salaries of two clerks	2,200 00
Salaries of extra clerks and inspectors	1,720 00
Salary of chief inspector of weights and measures	1,500 00
Salary of assistant inspector of weights and measures	1,000 00
Traveling expenses of inspectors of weights and measures	500 00
Contingent expenses of weights and measures	1,000 00
Salaries of two inspectors of drugs at $1,200 each	2,400 00
Salaries of two inspectors of dairies at $1,200 each	2,400 00
Salaries of five inspectors of foods at $1,000 each	5,000 00
Traveling expenses of inspectors of drugs, dairies and foods	9,000 00
Traveling expenses of extra inspectors	1,000 00
Salaries of twelve deputy inspectors for the collection of liquor tax at $1,300 each	15,600 00
Traveling expenses of liquor tax inspectors	11,600 00
Contingent expenses for collection of liquor tax.	4,000 00
Contingent expenses for inspection and analyses	12,000 00
Contingent expenses	2,000 00
Furniture and carpets	100 00
Library	100 00

CHIEF EXAMINER STEAM ENGINEERS.

Salary of chief examiner	$3,000 00
Salary of assistant chief examiner	1,800 00
Salaries of ten district examiners at $1,500 each	15,000 00
Salaries of three clerks, two at $1,200 each and one at $1,000	3,400 00
Traveling expenses	5,000 00
Contingent expenses	4,500 00

CHIEF EXAMINER STEAM ENGINEERS—DEPARTMENT OF BOARD OF BOILER RULES.

Salaries of four members of board at $1,000.00 each	$4,000 00	General appropriations.
Salary of chief examiner steam engineers and chief inspector steam boilers	1,200 00	
Salary of assistant chief inspector of steam boilers	3,000 00	
Salaries of ten general inspectors of steam boilers at $1,800 each	18,000 00	
Salary of clerk of board	1,800 00	
Traveling expenses	10,000 00	
Contingent expenses	2,500 00	
Furniture and carpets	200 00	

COMMISSIONERS OF FISH AND GAME.

General expenses	$20,000 00
Fish hatcheries at London	2,500 00
Patrol boats, balances and	5,000 00
Inland fish propagation	1,000 00

BUREAU OF LABOR STATISTICS.

Salary of commissioner	$3,000 00
Traveling expenses of commissioner	500 00
Salary of chief clerk	1,500 00
Salary of stenographer	900 00
Salaries of three clerks at $720 each	2,160 00
Contingent expenses	13,000 00
Furniture and carpets	300 00
Employment offices—	
Salaries of five superintendents at $1,500 each	7,500 00
Salaries of five clerks at $720 each	3,600 00

COMMISSIONERS OF PUBLIC PRINTING.

For printing paper	$45,000 00
Salary of clerk	500 00
For printing paper and supplies for Ohio agricultural experiment station	1,000 00

OHIO SOLDIERS' CLAIMS.

Salary of commissioner	$2,500 00
Salaries of two clerks at $720 each	1,440 00
Salaries of extra clerks	1,150 00
Contingent expenses	750 00
Furniture and carpets	100 00
For compensation to Ohio soldiers serving during the civil war under the provisions of senate joint resolution No. 76, adopted May 9, 1908	1,000 00

STATE COMMISSIONER OF COMMON SCHOOLS.

General appropriations.

Salary of commissioner	$4,000 00
Traveling expenses of commissioner	900 00
Salaries of two school inspectors at $2,000 each.	4,000 00
Traveling expenses of two school inspectors at $750 each	1,500 00
Salaries of four supervisors of agriculture at $2,000 each	8,000 00
Traveling expenses of supervisors of agriculture	2,250 00
Salary of chief clerk	1,750 00
Salary of examiner	1,500 00
Salary of statistician	1,400 00
Salary of stenographer	720 00
Salary of correspondence clerk	720 00
Salary of messenger	500 00
Per diem and expenses of state board of school examiners	750 00
Contingent expenses	1,750 00
Furniture and carpets	100 00
Publication and distribution of Arbor Day annual	500 00

EXECUTIVE DEPARTMENT.

Salary of governor	$10,000 00
Salary of lieutenant governor	1,500 00
Salary of secretary to the governor	5,000 00
Salary of executive clerk	3,000 00
Salary of commission clerk	1,500 00
Salary of correspondence clerk	1,500 00
Contingent expenses, including newspapers	8,000 00

GEOLOGICAL SURVEY.

Geological survey, receipts and balance and	$7,637 50
Illustrations of specimens	150 00

STATE HIGHWAY DEPARTMENT.

Salary of commissioner	$4,000 00
Salaries of three deputy commissioners at $3,000 each	9,000 00
Traveling expenses of commissioner and three deputy commissioners at $1,200 each	4,800 00
Salaries of eight engineers at $2,000 each	16,000 00
Traveling expenses of eight engineers at $1,000 each	8,000 00
Salary of chief clerk	1,500 00
Salaries of eight clerks, four at $1,000 and four at $800 each	7,200 00
Contingent expenses	3,000 00
Rent of offices	2,000 00

Furniture and carpets	100 00
Experimental road work	3,000 00
State aid in road building	440,000 00
Provided, that this appropriation shall not be paid out by said state highway department or used in any other manner than in new construction in counties having less than two hundred miles of macadam, gravel or brick road, and no part of such appropriation shall be paid to any county for repairs on dirt or unimproved road; but in counties having more than two hundred miles of macadam, gravel or brick road, it may be used for new construction or improvement of said roads as the county commissioners may decide.	
For equipping and operating laboratory for testing road-building materials and for services and expenses in collecting samples of said materials	2,500 00
State aid in road building, appropriation of 1912, and receipts and balances of an act, "To provide for the registration, identification and regulation of motor vehicles," passed May 9, 1908, and acts amendatory and supplementary thereto	

CHIEF INSPECTOR OF MINES.

Salary of chief inspector	$3,000 00
Traveling expenses of chief inspector	750 00
Salaries of twelve district inspectors at $1,800 each	21,600 00
Traveling expenses of twelve district inspectors	10,800 00
Salary of chief clerk	1,200 00
Salary of stenographer	900 00
Salaries of extra clerks	1,590 00
Contingent expenses	2,000 00
Field supplies for district inspectors	200 00

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of chief inspector	$3,000 00
Traveling expenses of chief inspector	600 00
Salary of assistant chief inspector	2,500 00
Salary of 2nd assistant chief inspector	2,000 00
Traveling expenses of assistant chief inspectors	1,400 00
Salary of high explosive inspector	2,000 00
Salaries of twenty-two district and two bakeshop inspectors at $1,200 each	28,800 00
Traveling expenses of twenty-five inspectors	15,000 00
Salaries of eight lady visitors at $1,200 each	9,600 00

General appropriations.

Traveling expenses of eight lady visitors.....	4,000 00
Salary of chief clerk.....	1,800 00
Salary of statistician.....	1,500 00
Salary of clerk.....	1,200 00
Salaries of three stenographers at $840 each..	2,520 00
Contingent expenses	2,000 00
Furniture and carpets.....	200 00
Rent of offices—Columbus	1,640 00
Rent of offices—Cleveland and Cincinnati....	480 00

INSURANCE DEPARTMENT.

Salary of superintendent.....	$6,000 00
Salary of deputy superintendent.....	2,400 00
Salary of actuary.....	2,400 00
Salary of chief clerk.....	1,800 00
Salary of examiner.....	1,800 00
Salary of statistician.....	1,800 00
Salary of warden.....	1,800 00
Salary of bookkeeper.....	1,800 00
Salary of first assistant actuary.....	1,400 00
Salary of second assistant actuary.....	1,200 00
Salary of correspondence clerk.....	1,350 00
Salary of assistant examiner.....	1,200 00
Salary of assistant statistician.....	1,200 00
Salary of license clerk.....	1,200 00
Salary of mailing clerk.....	1,000 00
Salary of janitor.....	600 00
Salaries of extra clerks.....	2,500 00
Contingent expenses	2,500 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	3,700 00
Furniture and carpets.....	200 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Salary of deputy inspector and supervisor of bond investment companies.....	$3,000 00
Salary of inspector's clerk.....	1,350 00
Salary of statistician.....	1,350 00
Salary of correspondence clerk.....	1,200 00
Salary of chief clerk.....	1,200 00
Salary of mailing clerk.....	200 00
Salary of janitor.....	300 00
Salaries of extra clerks.....	300 00
Salaries of nine examiners at $1,800 each.....	16,200 00
Traveling expenses of examiners and deputy inspectors	6,000 00
Contingent expenses	750 00

JUDICIARY.

General appropriations.

Salaries of judges	$470,000 00
Expenses of common pleas judges	5,000 00

LEGISLATURE.

Contingent expenses, senate clerk	$200 00
Contingent expenses, house clerk	200 00
Contingent expenses of the senate	2,000 00
For the clerk of the senate and house	6,000 00
For the payment of the sergeant-at-arms of the senate	500 00
For the payment of the sergeant-at-arms of the house	500 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Prosecution and transportation of convicts to Ohio penitentiary, Ohio State reformatory and boys committed to boys' industrial school	$130,000 00

RAILROAD COMMISSION OF OHIO.

Salaries of commissioners	$15,000 00
Salaries of clerks	5,700 00
Salary of inspector of locomotive boilers	1,800 00
Traveling expenses of inspector of locomotive boilers	900 00
Contingent expenses	1,000 00
Traveling expenses	1,500 00
Rent of offices	2,760 00
Uses and purposes of commission	
Inspector of automatic couplers and air brakes.	
Receipts and balances	

SECRETARY OF STATE.

Salary of secretary of state	$6,500 00
Salary of assistant secretary of state	3,000 00
Salary of stationery clerk	1,500 00
Salary of statistician	1,500 00
Salary of assistant statistican	1,350 00
Salary of recording clerk	1,350 00
Salary of assistant recording clerk	1,200 00
Salary of proof reading clerk	1,350 00
Salary of corporation list clerk	1,350 00
Salary of corporation clerk	1,350 00
Salary of assistant corporation clerk	1,350 00
Salary of stenographer	1,350 00
Salary of corporation stenographer	1,200 00
Salary of mailing clerk	1,200 00

General appropriations.

Salary of superintendent of shipping and distribution	1,500 00
Salary of shipping clerk	1,350 00
Salary of assistant shipping clerk	1,200 00
Salary of superintendent of book room	1,200 00
Salary of janitor	780 00
Contingent expenses	3,000 00
Stationery fund	13,000 00
Distribution of books, reports and papers	7,500 00
Traveling expenses	250 00
Furniture and carpets	200 00

BUREAU OF VITAL STATISTICS.

Salary of state registrar	$2,000 00
Salary of chief statistician	1,500 00
Salary of statistical clerk	840 00
Salaries of two assistant statistical clerks, one at $840 and one at $720	1,560 00
Salary of editor	1,350 00
Salary of inspector	1,500 00
Salaries of six stenographers at $720 each	4,320 00
Salary of compiling clerk	900 00
Salary of assistant compiling clerk	720 00
Salary of chief card operator	720 00
Salaries of four assistant card operators at $600 each	2,400 00
Salary of chief certificate clerk	900 00
Salary of assistant certificate clerk	720 00
Salary of file clerk	720 00
Salary of shipping clerk	1,000 00
Salary of messenger	480 00
Contingent expenses	12,000 00
Furniture and carpets	200 00

STATE LIABILITY BOARD OF AWARDS.

Salaries of members of board	$15,000 00
Salary of secretary	2,400 00
Salaries of two expert stenographers at $1,200 each	2,400 00
Salary of actuary	2,400 00
Salaries of two assistant actuaries at $1,500 each	3,000 00
Salary of chief clerk	1,800 00
Salaries of two clerks at $1,200 each	2,400 00
Traveling expenses	5,000 00
Contingent expenses	4,000 00
Rent of offices	1,500 00

STATE LIBRARY.

Salary of librarian	$3,000 00
Salary of assistant librarian	1,200 00

General appropriations.

Salary of library assistants	4,800	00
Salary of assistant secretary and stenographer	900	00
Salary of document clerk	960	00
Salary of janitor	900	00
Books and papers	5,000	00
Contingent expenses and extra labor	2,000	00
For traveling library department	17,000	00
Expenses of commission	500	00
Furniture and carpets	500	00
Department of library organization	4,000	00
Legislative reference department	5,000	00

SUPERVISOR OF PUBLIC PRINTING.

Salary of supervisor	$2,000	00
State printing	70,000	00
State bindery	40,000	00
Contingent expenses	450	00
Machinery and repairs	1,000	00
Typewriting	300	00

SUPREME COURT AND LAW LIBRARY.

Salary of marshal and law librarian	$2,500	00
Salary of assistant librarian and chief clerk	1,800	00
Salary of assistant librarian	1,200	00
Salary of first deputy marshal	1,350	00
Salary of second deputy marshal	1,200	00
Salary of third deputy marshal	1,000	00
Salary of first stenographer	1,200	00
Salary of second stenographer	1,000	00
Salary of messenger	1,000	00
Contingent expenses, including porters	4,500	00
Books and legal publications for law library	3,500	00
Steel shelving and connections	2,000	00
Furniture and carpets	500	00

CLERK OF SUPREME COURT.

Salary of clerk	$4,000	00
Salary of first deputy clerk	1,800	00
Salary of second deputy clerk	1,500	00
Salary of correspondence clerk	1,200	00
Salary of messenger	700	00
Contingent expenses	400	00

REPORTER OF SUPREME COURT.

Salary of reporter	$4,000	00
Contingent expenses	1,500	00

TAX COMMISSION OF OHIO.

Salaries of commissioners	$15,000	00
Salary of auditor	3,600	00

General appropriations.

Salary of secretary	3,000 00
Salaries of two special accountants, one at $2,700 and one at $2,400	5,100 00
Salary of special examiner	2,400 00
Salary of corporation fee clerk	2,000 00
Salary of assistant corporation fee clerk	1,500 00
Salary of excise tax clerk	1,800 00
Salary of accountant	1,800 00
Salaries of seven clerks, five at $1,500 and two at $1,200 each	9,900 00
Salaries of six stenographers at $900 each	5,400 00
Salary of switchboard operator	600 00
Salary of additional examiners, experts, clerks, accountants, stenographers and other assistants	4,900 00
Contingent expenses	10,000 00
Rent of offices	4,500 00
Traveling expenses	10,000 00
Furniture and carpets	500 00
Steel file cases	1,000 00

TOPOGRAPHIC SURVEY.

For co-operation with the U. S. geographical survey, in the preparation and completion of a contour-topographic survey and map of this state, balances and	$25,000 00

To be paid upon vouchers approved by the governor, and the governor is hereby authorized to arrange for carrying on such work with the representatives of the U. S. geological survey, and he may accept or reject the work of the U. S. geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.

TREASURER OF STATE.

Salary of treasurer of state	$6,500 00
Salary of cashier	3,400 00
Salaries of two bookkeepers at $1,800 each	3,600 00
Salary of stenographer	900 00
Salary of tax clerk	1,800 00
Salary of assistant tax clerk	1,500 00
Salary of bond clerk	1,500 00
Salary of general clerk	1,200 00
Salaries of two night watchmen	1,800 00
Contingent expenses	3,500 00
Furniture and carpets	150 00
Remodeling of office	400 00
Premium on bond of treasurer of state	1,800 00
Steel filing cases	250 00

OHIO AGRICULTURAL EXPERIMENT STATION.

General appropriations.

Administration	$35,000 00
Furniture and carpets	500 00
Agronomy	18,000 00
Animal husbandry	20,000 00
Botany	10,000 00
Co-operative experiments	30,000 00
Entomology	8,000 00
Forestry	12,000 00
Soils	20,000 00
Chemistry	5,000 00
Horticulture	17,000 00
Nutrition	8,000 00
Dairy husbandry	10,000 00
Receipts from general government	
Miscellaneous receipts	

THE OHIO BOARD OF ADMINISTRATION.

Salaries, uses and purposes of board, in accordance with the provisions of Amended House Bill No. 146, 79th General Assembly	$75,000 00
Maintenance	$3,399,330 00
Ordinary repairs and improvements	337,800 00

Specific purposes:

THE OHIO PENITENTIARY.

Rewards to discharged convicts	$10,000 00
Expenses of executions	500 00
Maintenance of families of those convicted of non-support	10,000 00
Receipts from sale of electric current	

THE OHIO STATE REFORMATORY.

Rewards to outgoing prisoners	$3,000 00
Maintenance of families of those convicted of non-support	2,500 00
Repairs and improvements of electric light and power plant	3,000 00

THE BOYS' INDUSTRIAL SCHOOL.

Rewards	$1,000 00

Provided, that the exceptions to the Ohio penitentiary, in section 2314 of the General Code of Ohio, shall be extended to the boys' industrial school.

THE CLEVELAND STATE HOSPITAL.

Engine and generator	$8,000 00

THE OHIO STATE SANITORIUM.

General appropriations.

Live stock	$500 00
Roads, walks, planting and grading	5,000 00

THE TOLEDO STATE HOSPITAL.

Construction of tuberculosis pavilions complete	$2,000 00
New plumbing	3,000 00
Construction of sewer	1,800 00

THE STATE SCHOOL FOR THE BLIND.

Pianos and school supplies	$2,000 00
Oculist and oculist's supplies	600 00

THE OHIO HOSPITAL FOR EPILEPTICS.

Investigation and study of the nature and cause of epilepsy	$2,000 00

THE INSTITUTION FOR FEEBLE-MINDED.

Repairing heating system	$2,000 00
Finishing and equipping cottage at custodial farm complete	10,000 00

Provided, that the exceptions to the Ohio penitentiary, section 2314 of the General Code of Ohio, shall be extended to the institution for feeble-minded.

THE OHIO SOLDIERS' AND SAILORS' HOME.

Amount received from the general government	
Manufacturing fund	$28,250 00
Receipts	

GIRLS' INDUSTRIAL HOME—RAILWAY COMMISSION.

To an honorary commission of three persons, who shall be appointed by the governor, the sum of $25,000 00

Said commission not to be required to be confirmed by the senate and to serve without compensation. Said commission shall enter into a contract, to be approved by the attorney general and the governor, with any electric railway company, for the construction on its part of a line of electric railway from Dublin, Franklin county, Ohio, to near the girls' industrial home in Delaware county, Ohio. Said sum of $25,000.00 to be paid to said electric railway

company upon vouchers signed by said commission at such times and upon such terms and conditions as shall be agreed upon between said commission and such electric railway company, and approved by the attorney general. General appropriations.

LIMA STATE HOSPITAL.

Construction	$350,000 00
Salaries of commissioners	3,000 00
Expenses of commission	1,000 00
Salary of clerk of commission	1,200 00
Salaries of superintendent of farm and assistants	1,200 00
Farm improvements, receipts and balances	
Fences and drainage	2,500 00
Grading walks and drives	5,000 00
Softening plant	4,500 00
Sewage disposal plant	12,000 00

OHIO COMMISSION FOR THE BLIND.

Current expenses and prevention of blindness, balances and	$6,500 00
Salaries of officers, teachers and commissioners expenses	9,500 00
Shops, machinery, stock, working capital	9,000 00
Assisting home workers	2,500 00
Filing cases	100 00
Completing census	3,000 00
Receipts	

OHIO REFORMATORY FOR WOMEN.

Expenses, uses and purposes of commission, in accordance with the provisions of Senate Bill No. 140, 79th General Assembly, building to cost not to exceed $350,000 complete.	$100,000 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses	$160,000 00
Salaries of officers, teachers and trustees' expenses	32,500 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets	2,000 00
Industrial pursuits	8,000 00
Salaries of foremen and instructors	15,000 00
Religious services, amusements, library and pictures	1,500 00
Net earnings	2,000 00
Support orphans outside	2,500 00
Balances for improvement of grounds and establishment of dairy—	
Bequests of Mary J. Heissem	
Bequest of John Ross	

MIAMI UNIVERSITY.

General appropriations.

Maintenance and equipment of normal college.	$27,500 00
Apparatus for university purposes.....	8,000 00
Repairs and improvements buildings and grounds	10,000 00
Reconstruction of men's dormitories complete..	35,000 00
Furnishing women's dormitory complete.....	10,000 00
Uses and purposes of library.....	5,000 00
Summer session	2,000 00
Receipts	

OHIO STATE UNIVERSITY.

Equipment power house.....	$7,000 00
Extension work in agriculture and mechanic arts	40,000 00
Repairs and improvements buildings and grounds	25,000 00
Scientific apparatus, laboratory equipment....	5,000 00
Railway to grounds.....	5,000 00
Uses and purposes of library.....	20,000 00
Live stock and maintenance.....	5,000 00
Veterinary clinic building equipment.....	5,000 00
Fire escapes and remodeling university hall...	3,000 00
Bonds due December 1, 1912.....	30,000 00
Interest on $30,000 bonds due December 1, 1912.	1,350 00
For construction library to cost $250,000 complete	25,000 00
Equipment mechanical engineering laboratory.	5,000 00
Equipment electrical engineering laboratory..	5,000 00
Extension hot water heating system.....	19,831 00
Equipment agronomy department.....	2,000 00
Equipment for university farm.....	2,000 00
Equipment dairy department.....	2,000 00
Summer session	5,000 00
Equipment new library building.....	50,000 00
Additional farm lands for grazing purposes and improvements	10,000 00
Botany and zoology building and equipment to cost $100,000 complete.....	50,000 00
Sidewalks High street and Eleventh avenue...	2,500 00
Receipts	

OHIO UNIVERSITY.

Ewing hall bonds.....	$5,000 00
Apparatus for university purposes.....	8,000 00
Uses and purposes of library.....	5,000 00
Equipment science hall.....	15,000 00
Repairs and improvements buildings and grounds	5,000 00
Maintenance and equipment of normal college..	27,500 00

General appropriations.

Summer session	2,000 00
One year's interest on $10,000 Ewing hall bonds	500 00
Building for the training school of the state normal college and equipment to cost $55,000.00 complete	27,500 00
Receipts	

WILBERFORCE UNIVERSITY.

Current expenses	$12,600 00
Salary of secretary and trustees' expenses	650 00
Ordinary repairs and improvements	5,000 00
Industrial departments	6,000 00
Drainage and sewerage	3,000 00
Cement floors	400 00
Improvement of grounds	2,000 00
Hot water main, Arnett hall to O'Neill hall	4,200 00
Furnishing north section of girls' dormitory complete	1,600 00
Receipts	

STATE NORMAL SCHOOLS.

For construction at Kent	$50,000 00
For construction at Bowling Green	50,000 00

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

General expenses	
Receipts and balances	

OHIO BOARD OF PHARMACY.

Investigating and prosecuting the illegal sale of cocaine and other narcotics	$3,500 00
Receipts and balances	

STATE FIRE MARSHAL.

Receipts and balances	

STATE MEDICAL BOARD.

Receipts and balances	

PERRY'S VICTORY CENTENNIAL COMMISSION OF OHIO.

Expenses Perry Memorial and centennial celebration at Put-in-Bay to be disbursed by Perry's Victory Centennial Commission of Ohio	$20,000 00

MISCELLANEOUS.

General appropriations. Expenses of electrical college..... $1,000 00

SECTION 2. That the moneys appropriated in the preceding section shall be available to pay liabilities incurred on and after February 16, 1912, but shall not in any way be expended to pay liabilities or deficiencies existing prior to February 16, 1912, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

No expenses of officers of any benevolent, penal or educational instituton for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing that competitive bids were secured or that it was an emergency requirng immediate purchase; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of all such receipts and expenditures, as may be required by such auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein apropriated. Appropriations made for new buildings or improvements are intended to construct the build-

ings or make the improvements complete. Departments and institutions must have plans and specifications made accordingly. General appropriations.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 14th, 1911.

JUDSON HARMON,
Governor.
174

[Senate Bill No. 293.]

AN ACT

To amend section 12969 of the general code, relating to the use of children under the age of fourteen years.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12969 of the general code be amended so as to read as follows:

Sec. 12969. Section 12968 of the general code shall not apply to or affect the taking part without remuneration of such child with the consent of its parents or guardian in a church, or any school or academy, or at a concert or entertainment given for charitable purposes, or by a church or any school, academy, charitable, eleemosynary or religious institution. Exceptions.

SECTION 2. That said original section 12969 of the general code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
175

[House Bill No. 240.]

AN ACT

To amend section 4322 of the General Code, relative to the comparison, sealing and testing of weights, measures, balances and other weighing and measuring devices.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4322 of the General Code be amended to read as follows:

Comparison and test of weights and measures.

Sec. 4322. The sealer of weights and measures shall compare all weights and measures, balances, weighing and measuring devices used in the purchase and sale of commodities with the copies in his possession. Any weights and measures, balances and weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities shall be tested by him both as to correctness of weight or quantity and value indicated by them; such sealer shall seal such weights and measures, balances and weighing and measuring devices as shall be tested and found correct, and, after ten days' notice in writing to the owner, shall condemn or seize such as are found to be incorrect, and shall seal such weights and measures, balances, weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities only when correct both in indications of weight or quantity and value, and shall condemn or seize such in which the graduations or indications are found to be false or inaccurately placed either as to weight or quantity or value.

SECTION 2. That said original section 4322 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
176

[Senate Bill No. 269.]

AN ACT

To amend sections 4966, 4969, 4970, 4974, 5004, 5010 and 5011 of the general code, pertaining to the time of filing petitions for the nomination of candidates and certificates of nomination of candidates for public office with the board of deputy state supervisors and inspectors of elections of the board of deputy state supervisors of elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4966, 4969, 4970, 4974, 5004, 5010 and 5011 of the general code, be amended so as to read as follows:

Candidates for congress and delegates to national conventions nominated by direct vote.

Sec. 4966. Candidates for congress shall be nominated by direct vote of the people and delegates and alternates to national political conventions shall be elected by direct vote of the people at the same time and in the manner following:

Each person so desiring to become a candidate for the

office of representative in congress or delegate or alternate to a national convention shall, not less than thirty days, before such primary, file with the chief deputy supervisor of the most populous county of the district according to the last federal census, a petition therefor signed by electors of the district who are members of the political party to which such candidate belongs not less in number than two per cent. of the vote cast in said district for the candidate for governor of such party at the last general election. Forthwith after the expiration of said limitation of thirty days said chief deputy supervisor shall certify all nominations so filed to the deputy supervisors of each county in such district who shall enter the name on the proper ballot. Such deputy supervisor shall certify the result to such district officers under the general election laws. The provisions of this act shall apply to special elections called to fill any vacancy in any congressional district. Not less than thirty days before any general or special election at which representatives in congress are to be elected the chief deputy of the most populous county of the district shall certify all such nominations so made to the deputy supervisors of the counties comprising the district, who shall cause the same to be printed on the proper ticket as provided by law.

Candidates shall file petition 30 days before primary with chief deputy of most populous city; 2% of vote.

Certification of nominations.

Sec. 4969. Nominations for places on the primary ballot shall be by nomination papers which shall be filed with the board of deputy state supervisors at least thirty days before the day for holding the primary election. Such nomination papers shall be signed by two per cent. of the party voters in the county, municipality, precinct, ward or other political subdivisions for which such nomination is to be made. The basis of percentage in each case shall be the vote of the party in such county, municipality, precinct, ward or other political subdivision for governor at the last preceding election for state officers.

Nominations—how made and when and where filed.

2% of party vote.

Sec. 4970. The name of no candidate for office or for committeeman or delegate shall be printed upon an official ballot used at any primary unless at least thirty days prior to such primary, nomination papers shall have been filed with the board of deputy state supervisors in his behalf in substantially the following form:

What names shall be printed.

Form.

We, the undersigned, qualified electors of (the..... precinct of the township of .....) or (The ..... ward of the city .....) county of ....., and state of Ohio, and members of the ..... party, hereby nominate ..... who resides at No. ..... on ..... street of ..... city of ..... or (in the township of .....) in the county of ..... as a candidate for the office (or position) of (here specify office or position) ..... to be voted for at the primary next hereafter to be held, as representing the principles of such party, and each for himself further declares

that he is a member of such party and that he intends to support the candidate named herein.

.....

NAME OF SIGNERS	Residence (WARD)	(PRECINCT)	DATE OF SIGNING

.....

Papers open to inspection.

Sec. 4974. Nomination papers, when filed shall be preserved and be open under regulations to public inspection. If in apparent conformity with the provisions of this chapter, such papers shall be deemed to be valid, unless objection thereto is duly made in writing not less than twenty-five days before the day for holding the primary election. A recognized member of a political party, or the controlling committee of a political party may file with the board of

Protest may be made, how.

deputy state supervisors a protest in writing against the candidacy of any person who has filed nomination papers therewith seeking to become the candidate of the party represented by such person or committee. If the board of deputy state supervisors finds that such candidate is not an elector of the district in which he seeks to become a candidate, or that his nomination papers do not contain the requisite number of names signed by electors of such party, the board shall withdraw his name and it shall not be printed upon the ballot. The provisions of this title, relating to objections to nomination papers shall, so far as applicable, apply to and govern in such matters arising under this section. Certificates shall be transmitted in the manner provided in this title for the transmission of certificates of nomination.

Where and when certificates and nomination papers shall be filed.

Sec. 5004. Certificates of nomination and nomination papers of candidates shall be filed as follows:

For presidential electors and state offices, with the secretary of state, not less than thirty days previous to the day of election at which the candidates are to be voted for;

For offices to be filled by the electors of a circuit, district or subdivision of a district, composed of two or more counties, with the chief deputy state supervisor of the county in the circuit, district, or subdivision, containing the greatest number of inhabitants, as ascertained by the last federal census, not less than thirty days previous to the day of election;

For county offices, with the board of deputy state supervisors of the county, not less than thirty days previous to the day of election;

For offices to be filled by the electors of a district lying within a county, with the board of deputy state supervisors of the county, not less than thirty days previous to the day of election;

For township or municipal offices, justices of the peace, or members of the board of education, with the board of deputy state supervisors of the county, not less than twenty-five days previous to the day of election.

For municipal officers and for members of boards of education in municipalities, situated in two or more counties, with the board of deputy state supervisors of the county containing the majority population of such municipality, not less than twenty days previous to the day of election.

Vacancy by death, withdrawal, etc.

Sec. 5010. If a person nominated as herein provided die, withdraw, or decline the nomination, or if a certificate of nomination is insufficient or imperfect, the vacancy thus occasioned, may be filled or the defect corrected in the manner required for original nominations. Such nomination to fill a vacancy, or corrected certificate must be certified to the secretary of state at least thirty days or to the board of deputy state supervisors at least twenty-five days previous to the day of election. If, when the original nomination was certified, there was certified a committee authorized to represent the party, as herein provided, it may fill such vacancy.

Certificate by chairman and secretary.

Sec. 5011. When a committee so authorized fills any such vacancy, the chairman and secretary thereof shall thereupon make and file with the proper officer a certificate, setting forth the cause of the vacancy, the name of the person nominated, the office for which nominated, the name of the person for whom the new nominee is to be substituted and such other information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, acknowledged and sworn to in the manner prescribed for the original certificate of nomination, and, upon being filed with the secretary of state at least thirty days, or with the board of deputy state supervisors at least twenty-five days, before the day of election, shall have the same force and effect as an original certificate of nomination.

Acknowledgment.

SECTION 2. That said original sections 4966, 4969, 4970, 4974, 5004, 5010 and 5011 of the general code, be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
177

[Senate Bill No. 228.]

AN ACT

To supplement section 2230 of the general code by the enactment of supplemental section 2230-1 so as to provide for the furnishing of electric current by penal institutions to public institutions of the state and the subdivision thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2230 of the general code be supplemented by the enactment of section 2230-1 as follows:

Sec. 2230-1. Such labor shall also be for the purpose of the production of electric current for such institutions; and for the purpose of transmitting such electric current such board of managers and other authorities are hereby authorized to make and enter into contracts with individuals, firms and public and private corporations, owning and maintaining pole lines or conduits for the running of the wires necessary for the transmission of such electric current, and as a consideration therefor, grant to such persons, firms, or public or private corporations the privilege to establish poles, wires and conduits within the penitentiary grounds in the places and manner specified by the penitentiary managers.

Provision for transmission to public institutions.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
178

[House Bill No. 199.]

AN ACT

To amend sections 7821 and 7826 of the General Code fixing the date of termination of teachers' certificates.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7821 and 7826 of the General Code be and the same are hereby amended to read as follows:

Sec. 7821. County boards of school examiners may grant teachers' certificates for one, two, three, five and eight years which shall be valid in all village, township and special school districts of the county wherein they are is-

Certificates valid when and from what date.

sued. In school districts situated in two or more counties, teachers' certificates obtained in either county shall be valid in such districts.

Such certificate shall be valid for one, two, three, five and eight years from the first day of September following the day of the examination.

Sec. 7826. Between regular examinations county boards of school examiners at their discretion may issue temporary certificates which shall be valid only until the next regular examination held by such boards after the issue of such certificate, and at any regular examination such board upon proper application being made, subject to the same rules and regulations as applied to the granting of regular certificates shall issue temporary certificates which shall be valid from the date of issue until the first day of September following.

Temporary certificates.

SECTION 2. That said original sections 7821 and 7826 of the General Code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
179

[Senate Bill No. 285.]

AN ACT

To amend sections 7620 and 7625 of the general code, empowering boards of education to secure playgrounds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7620 and 7625 of the general code be and the same are hereby amended to read as follows:

Sec. 7620. The board of education of a district may build, enlarge, repair and furnish the necessary school houses, purchase or lease sites therefor, or rights of way thereto, or purchase or lease real estate to be used as playgrounds for children, or rent suitable schoolrooms, provide the necessary apparatus and make all other necessary provisions for the schools under its control. It also, shall provide fuel for schools, build and keep in good repair fences inclosing such school houses, when deemed desirable plant shade and ornamental trees on the school grounds, and make all other provisions necessary for the convenience and prosperity of the schools within the subdistricts.

Powers and duties of boards of education.

Sec. 7625. When the board of education of any school district determines that for the proper accommodation of

the schools of such district it is necessary to purchase a site or sites to erect a schoolhouse or houses, to complete a partially built schoolhouse, to enlarge, repair or furnish a schoolhouse, or to purchase real estate for playground for children, or to do any or all of such things, that the funds at its disposal or that can be raised under the provisions of sections seventy-six hundred and twenty-nine and seventy-six hundred and thirty, are not sufficient to accomplish the purpose and that a bond issue is necessary, the board shall make an estimate of the probable amount of money required for such purpose or purposes and at a general election or special election called for that purpose, submit to the electors of the district the question of the issuing of bonds for the amount so estimated. Notices of the election required herein shall be given in the manner provided by law for school elections.

May issue bonds.

Notice of election.

SECTION 2. That said original sections 7620 and 7625 of the general code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
180

[House Bill No. 538.]

AN ACT

To amend sections 13154 and 13155 of the General Code, relative to the use of name or seal of labor union.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 13154 and 13155 of the General Code be amended to read as follows:

Sec. 13154. Whoever uses or displays the genuine label, union shop card, trade mark, term, design, device or form of advertisement, or the name or seal, or any imitation, likeness, or counterfeit of the genuine label, union shop card, trade mark, term, design, device or form of advertisement, or name or seal, of any association or union in any manner, not being authorized so to do by such union or association, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00).

Penalty for unauthorized use of name or seal of labor union.

Sec. 13155. Whoever in any way uses the genuine label, union shop card, trade mark, term, design, device or form of advertisement, or the name of seal, or any imita-

tion, likeness, or counterfeit of the genuine label, union shop card, trade mark, term, design, device or form of advertisement, or name or seal, of any association or union or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00). Penalty.

SECTION 2. That said original sections 13154 and 13155 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
181

[House Bill No. 530.]

AN ACT

To supplement section 6418 of the General Code, relative to selling articles of merchandise by weight or numerical count.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6418 of the General Code be supplemented to read as follows:

Sec. 6418-1. All articles hereinafter mentioned, when sold, shall be sold by avoirdupois weight or numerical count, unless by agreement of all contracting parties, viz: apples, peaches, pears, plums, quinces, cranberries, prunes, raisins, dates, figs, dried applies, dried peaches, apricots, rice, beans, green beans, carrots, onions, parsnips, Irish potatoes, sweet potatoes, tomatoes, turnips, beets, sugar beets, peas, green peas, cabbage, cauliflower, endive, lettuce, spinach, sauerkraut, barley, bran, buckwheat, corn in ear, shelled corn, wheat, rye, oats, sweet corn in ear, shelled sweet corn, hominy, dried sweet corn, popcorn in ear, shelled popcorn, bluegrass seed, broom corn seed, canary seed, cotton seed, castor oil bean, pine tree products and vegetable oils, clover seed, timothy seed, hemp seed, Hungarian grass seed, malt, millet, onion sets, orchard grass seed, rape seed, red top seed, English walnuts, black walnuts, hickory nuts, Brazil nuts, pecans, almonds, filberts, coal, coke, lime, salt, sugar, tea, coffee, bulk spices, cheese, butter, oleomargarine, lard, fresh and salt meats, fish, game fowls, flour, corn meal, chopped feed, pepper in bulk, and candy in bulk. Nothing in this section shall apply to seeds and other articles in sealed packages. The Articles that shall be sold by weight or count.

Car lots excepted.

provisions of this act shall in no way apply to goods sold or bought in car lots until said goods are sold at retail. Whoever sells or offers for sale any articles in this section enumerated, in any other manner than herein specified, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than $10 nor more than $100 for the first offense, and not less than $25 nor more than $200 for the second offense, or imprisoned not more than three months, or both.

Penalty.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
182

[House Bill No. 431.]

AN ACT

To amend section 9593 of the General Code as amended May 10th, 1910, relating to the organization of mutual protection association.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9593 of the General Code as amended May 10th, 1910, be amended to read as follows:

Organization of mutual protection associations and scope of business.

Sec. 9593. Any number of persons of lawful age, not less than ten in number, residents of this state, or an adjoining state and owning insurable property in this state, may associate themselves together for the purpose of insuring each other against loss by fire and lightning, cyclones, tornadoes or wind storms, hail storms and explosions from gas, on property in this state, and also assess upon and collect from each other such sums of money, from time to time, as are necessary to pay losses which occur by fire and lightning, cyclones, tornadoes, wind storms, hail storms and explosions from gas to any member of such association. The assessment and collection of such sums of money shall be regulated by the constitution and by-laws of the association, which shall require such assessments to be made directly and specifically upon the members and to be paid directly and specifically by them and not out of any fund deposited with the association or other trustee in anticipation of assessments or in any other manner except that any such association may borrow money for the payment of losses and expenses, such loans not to be made for a longer period than the collection of their next assessment; and such association may also accumulate a surplus from its assessments not exceeding $2.00 on each

$1,000.00 of insurance in force, such surplus to be used in paying losses and expenses that may occur and if invested to be under the provisions of sections ninety-five hundred and eighteen and ninety-five hundred and nineteen of the General Code. Such associations may only insure farm buildings, detached dwellings, school houses, churches, township buildings, grange buildings, farm implements, farm products, live stock, household goods, furniture and other property not classed as extra hazardous and such property may be located within or without the limits of any municipality; provided that an association whose membership is restricted to persons engaged in any particular trade or occupation and its insurance confined in any particular kind or description of property may insure property classed as extra hazardous and located in any county or counties in this state; and an association whose membership is so restricted and whose insurance is so confined and which insures property classed as extra hazardous as herein provided may also accumulate from its assessments a surplus not exceeding the average yearly losses and expenses of the association as shown by the reports of the association to the department of insurance of the state of Ohio for the preceding three years, such surplus to be used in paying losses and expenses that may occur and if invested to be under the provisions of sections ninety-five hundred and eighteen and ninety-five hundred and nineteen of the General Code.

SECTION 2. That said section 9593 of the General Code as amended May 10th, 1910, be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.

183

[House Bill No. 279.]

AN ACT

To amend sections 10096 and 10097 of the General Code relating to cemetery associations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10096 of the General Code be amended to read as follows:

Sec. 10096. Land shall not be appropriated or a cemetery located by an association incorporated for cemetery purposes or by benevolent or religious societies, within two hundred yards of a dwelling house, unless the owner thereof gives his consent, or unless the entire tract be so appropriated as a necessary addition to or enlargement of

Location of cemeteries as to dwellings. Exceptions.

a cemetery already located and used. The limit shall not be less than one hundred yards when it is sought to appropriate for cemetery purposes property adjoining a cemetery already located and used, when such dwelling house was erected subsequent to the laying out and establishing of the cemetery. Where the cemetery lies within or adjoins a municipal corporation the association or corporation owning such cemetery, without such consent, may appropriate property within one hundred feet, or the width of a street, or alley of any dwelling house.

The addition of any land across a street or public road, as now located or which shall be hereafter established, shall not be considered an enlargement of an existing cemetery under the provisions of this section.

Sec. 10097. The provisions of the two preceding sections shall not be applicable to a corporation or cemetery association, owning a cemetery of less dimensions than four acres and situated within one mile of the corporate limits of a municipality.

SECTION 2. That said original sections 10096 and 10097 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.
184

[House Bill No. 457.]

AN ACT

To repeal sections 1, 2, 3 and 4 of an act entitled "an act to divide Israel Township, in Preble County, Ohio, into two election precincts," passed March 9, 1900.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 2, 3 and 4 of an act entitled "An act to divide Israel Township, in Preble County, Ohio, into two election precincts," passed March 9, 1900, page 444, Vol. 94 O. L., be, and the same is, hereby repealed.

Repeals.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.
185

[House Bill No. 326.]

AN ACT

To supplement Chapter 8, Title IV, Part First of the General Code, relating to the jurisdiction of the juvenile court by enacting section 1683-1.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Chapter 8, Title IV, Part First of the General Code be supplemented by the enactment of a supplemental section to be known as section 1683-1 as follows:

Sec. 1683-1. The judge designated to transact the business arising under the jurisdiction conferred in this chapter shall have jurisdiction of all misdemeanors against minors, and of offenses prescribed in sections nine hundred and twenty-eight, six thousand three hundred and forty-four, six thousand three hundred and forty-five, six thousand three hundred and seventy-three, twelve thousand six hundred and sixty-four, twelve thousand six hundred and sixty-six, twelve thousand seven hundred and eighty-seven, thirteen thousand and thirty-one, thirteen thousand and thirty-five, and thirteen thousand and thirty-eight. In all such cases any person may file with the clerk of the judge exercising the jurisdiction an affidavit, setting forth briefly, in plain and ordinary language, the charges against the accused, and he shall be tried thereon, and in such prosecutions an indictment by the grand jury or information by the prosecuting attorney shall not be required. The judge shall forthwith issue his warrant for the arrest of the accused, who, when arrested, shall be taken before said judge, and tried according to the provisions of this chapter, and, if found guilty, shall be punished in the manner provided for by law. **Jurisdiction.**

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.

186

[House Bill No. 14.]

AN ACT

To amend section 1607 of the General Code, relative to the Insolvency Court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1607 of the General Code be amended to read as follows:

Compensation.

Sec. 1607. The judge of the Court of Insolvency shall receive the same compensation as the probate judge of such county. He shall be paid in quarterly installments from the county treasury on the warrant of the county auditor.

SECTION 2. That said original section 1607 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
187

[House Bill No. 429.]

AN ACT

To supplement section 7965 of the General Code by the enactment of a section to be known as section 7965-1, and to amend section 2622 of the General Code, relating to the inspection of weights and measures.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7965 of the General Code be supplemented by enacting section 7965-1 to read as follows:

Sec. 7965-1. The state dairy and food commissioner or his deputy, or any other duly authorized sealer of weights and measures or his deputy, may inspect and test any weight, measure, balance or other weighing or measuring device, wherever the same is used, or maintained for use, and if such weight, measure, balance or other weighing or measuring device is found to be false or fraudulent, or cannot be made to conform to the legal standard, the same shall be condemned and confiscated by the said sealer or deputy sealer.

Confiscation of false weights and measures.

SECTION 2. That section 2622 of the General Code be amended to read as follows:

Sec. 2622. Each county sealer of weights and measures shall appoint by writing under his hand and seal, a deputy who shall compare weights and measures wherever the same are used or maintained for use within his county, or which are brought to the office of the county sealer for that purpose, with the copies of the original standards in the possession of the county sealer, who shall receive a salary fixed by the county commissioners, to be paid by the county, which salary shall be instead of all fees or charges

Appointment of deputy under seal.

Salary.

otherwise allowed by law. Such deputy shall also be employed by the county sealer to assist in the prosecution of all violations of laws relating to weights and measures.

SECTION 3. That original section 2622 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
188

[Senate Bill No. 115.]

AN ACT

To amend section 1028 of the general code, relative to penalty for violation of the law pertaining to the guarding of machinery.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1028 of the general code be amended so as to read as follows:

Sec. 1028. Whoever, being a person, firm or corporation, fails to comply with any provision of the preceding section, or fails to comply with such orders for changes as are issued by the chief inspector, within thirty days thereafter shall be fined not less than one hundred dollars nor more than three hundred dollars for each offense. All fines collected under this section shall inure to the benefit of the county hospital for tuberculosis. In prosecution for violations of this section by or under the direction of the chief inspector, such inspector shall not be required to give security for costs or adjudged to pay any costs. In cases where the accused is acquitted, the costs shall be paid from the treasury of the county in which such proceedings were brought.

Penalty.

Beneficiary of fines.

SECTION 2. That said section 1028 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
189

[Senate Bill No. 104.]

AN ACT

To amend section 1027 of the general code relative to the guarding of machinery for the purpose of more securely guarding elevators and elevator shafts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1027 of the general code be amended so as to read as follows:

Sec. 1027. The owners and operators of shops and factories shall make suitable provisions to prevent injury to persons who use or come in contact with machinery therein or any part thereof as follows:

Provisions to prevent injury to persons who use or come in contact with machinery.

1. They shall case or box all shafting operating horizontally near floors, or perpendicularly or otherwise between, from or through floors or traversing near floors, or when operating near a passage way or directly over the heads of employes.

2. They shall enclose with substantial railings or casing all exposed cog wheels, fly wheels, band wheels, main belts, transmitting power from engine to dynamo, or other kind of machinery and all openings through floors, through or in which such wheels or belts may operate.

3. They shall cover, cut off or countersink keys, bolts, set-screws and all parts of wheels, shafting or other revolving machinery projecting unevenly beyond the surface of such revolving machinery.

4. They shall case in all unused openings of elevators and elevator shafts and place automatic gates or floor doors on each floor where entrance to the elevator carriage is obtained. They shall keep such gates or doors in good repair and examine frequently and keep in sound condition the ropes, gearing and other parts of elevators.

5. They shall close stair openings on each floor, except where access to stairs is obtained, and rail such stairs between floors.

6. They shall light the hallways, rooms, approaches to rooms, basements and other places wherein sufficient daylight is not obtainable.

7. They shall guard all saws, wood-cutting, wood-shaping and all other dangerous machinery.

8. They shall provide shifters for shifting belts, and poles and other appliances for removing, replacing and repairing belts or single pulleys.

9. They shall adjust with hand railing, runways and staging used for oiling and other purposes when more than five feet from floors.

10. They shall provide counter-shafting in each room separate from the engine room, with tight and loose pulleys and other suitable appliances for disconnecting machinery when in operation.

11. They shall provide emery wheels or belts of solid emery, leather, leather covered, felt, canvas, linen, paper, cotton or wheels or belts, rolled or coated with emery or corundum, or cotton wheels used as buffs, with blowers or similar apparatus placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using them from particles of dust produced and caused thereby.

12. They shall provide each emery wheel with a sheet or cast iron hood or hopper of such form and so applied to it that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to such hood or hopper.

13. They shall provide an emery wheel six inches or less in diameter with a three inch suction pipe, an emery wheel six inches to twenty-four inches in diameter with a four inch suction pipe; an emery wheel twenty-four inches to thirty-six inches in diameter with a five inch suction pipe and every emery wheel larger than those provided for with a suction pipe not less than six inches in diameter. Such suction pipe shall be full sized to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall be equal in its diameter and capacity to the combined area of the smaller pipes attached to it. The discharge pipe from the exhaust fan connected with pipe or pipes shall be as large or larger than the suction pipe.

14. They shall provide necessary fans or blowers connected with suction pipes, which shall be run at a rate of speed sufficient to produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a volume of water not less than five inches in a U shaped tube. All branch suction pipes must enter the main pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels and as close to them as possible and be either upon the floor or beneath the floor on which the machinery to which such wheels are attached are placed. All bends, turns or elbows in such suction pipes must be made with easy smooth surfaces having a radius in the throat of not less than two diameters of the pipe on which they are connected.

15. Nothing in this section regarding blowers, hoods, hoppers, or suction pipes shall apply to emery wheels upon which water is used at the point of the grinding contact, small emery wheels used temporarily for tool grinding or small shops employing not more than one man at work upon an emery wheel, which does not create dust enough in the opinion of the chief inspector of workshops and factories or a district inspector to be injurious to its operator. No female shall be employed in operating, assisting to op-

erate, or using any of the wheels or belts specified in the preceding four subdivisions of this section.

SECTION 2. That said original section 1027 of the general code of Ohio be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
190

[Senate Bill No. 72.]

AN ACT

To amend sections 835, 836 and 837 of the general code and to supplement section 836 of the general code, relating to the duties of the state fire marshal.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 835, 836 and 837 of the general code be amended and supplemented to read as follows:

Further duties of state fire marshal.

Sec. 835. If the state fire marshal, a deputy state fire marshal, or assistant fire marshal, or any officer mentioned in the preceding section, upon an examination or inspection finds a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, defective chimneys, defective gas connections, defective heating apparatus, or for any other cause or reason is especially liable to fire and which building or structure is so situated as to endanger other buildings or property, such officer shall order such building or buildings to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied. If such officer finds in a building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable conditions of any kind, dangerous to the safety of such buildings or premises, buildings or property, he shall order such materials removed or conditions remedied. Such order shall be made against and served personally or by registered letter upon the owner, lessee, agent, or occupant of such building or premises, and thereupon such order shall be complied with by the owner, lessee, agent or occupant and within the time fixed in said order.

When and how owner may have hearing.

Sec. 836. If the owner, lessee, agent or occupant, deems himself aggrieved by an order of an officer under the preceding section and desires a hearing he may com-

plain or appeal in writing to the state fire marshal within three days from the service of the order and the state fire marshal shall at once investigate said complaint and he shall fix a time and place not less than five days nor more than ten days thereafter, when and where said complaint will be heard by the state fire marshal. The state fire marshal at said hearing may affirm, modify, revoke or vacate said order, and unless such order is revoked or vacated by the state fire marshal it shall remain in force, and be complied with by such owner, lessee, agent or occupant and within the time fixed in said order or within such time as may be fixed by the state fire marshal at said hearing.

Powers of fire marshal in premises.

Sec. 836-1. If a person is aggrieved by the final order of the state fire marshal as made at the hearing provided for in the preceding section, such person may within five days thereafter, appeal to the probate court of the county in which the property is situate, notifying the state fire marshal in writing of such appeal within three days thereafter, which notice shall be in writing and delivered personally to the state fire marshal or left at his principal office in the city of Columbus. The party so appealing shall within two days thereafter, file with the probate court in which said appeal is made a bond in an amount to be fixed by the court but in no case less than one hundred dollars ($100) with at least sufficient sureties, to be approved by the court, conditioned to pay all the costs on the appeal in case the appellant fail to sustain the same or the appeal be dismissed for any cause. The probate court shall hear and determine said appeal within ten days from the date of the filing of the same and the state fire marshal shall make a complete transcript of the proceedings had before him and certify the same together with all the original papers filed in his office and transmit them to the probate court at least three days prior to the date of hearing as fixed by the court. The decision of the probate court shall be final and in case the decision is against the appellant or for any cause the appeal be dismissed judgment for costs shall be entered against the appellant.

Right of appeal to probate court.

Bond.

Sec. 836-2. If any person fail to comply with an order of an officer under the last three preceding sections and within the time fixed, then such officer is empowered and authorized to cause such building or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied, as the case may be and at the expense of such person, and if such person within thirty days thereafter fail, neglect or refuse to repay said officer the expense thereby incurred by him, such officer shall certify said expenses, together with twenty-five percentum penalty thereon to the county auditor of the county in which said property is situate and said county auditor shall enter said expense on the tax duplicates of said county as a special charge against the real estate on which said build-

Effect of failure to comply with order.

ing is or was situate and the same shall be collected as other taxes and when collected, shall together with the penalty thereon be refunded to such officer.

Sec. 837. Any person or persons, being the owner, occupant, lessee or agent of buildings or premises who wilfully fails, neglects or refuses to comply with any order of any officer named in the last four preceding sections, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars nor less than ten dollars for each day's neglect.

Penalty.

SECTION 2. That original sections 835, 836 and 837 of the general code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
191

[House Bill No. 233.]

AN ACT

To supplement section 9170 of the General Code by enacting section 9170-1 relating to the use of public highways, outside of municipal corporations, by telegraph companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9170 of the General Code be supplemented by section 9170-1 to read as follows:

Sec. 9170-1. A magnetic telegraph company may, subject to such reasonable regulations as the commissioners of the county may prescribe, construct telegraph lines and fixtures necessary for containing and protecting them beneath the surface of any public highway outside the limits of a municipal corporation, but shall not incommode the public in the use thereof.

Use of highway.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
192

[House Bill No. 204.]

AN ACT

To abolish the county board of infirmary directors, to define the duties of the board of county commissioners respecting county infirmaries and to repeal sections 2517 to 2521 inclusive of the General Code and to amend sections 2522, 2523, 2524, 2526, 2528, 2529, 2530, 2531, 2532, 2533, 2535, 2536, 2537, 2539, 2540, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, and 2556 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2522, 2523, 2524, 2526, 2528, 2529, 2530, 2531, 2532, 2533, 2535, 2536, 2537, 2539, 2540, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554 and 2556 of the General Code be amended to read as follows:

Powers and duties of commissioners.

Sec. 2522. The board of county commissioners shall make all contracts and purchases necessary for the county infirmary and prescribe such rules and regulations as it deems proper for its management and good government, and to promote sobriety, morality and industry among inmates. The commissioners shall keep a separate book in which the clerk, or if there is no commissioner's clerk, the county auditor, shall keep a separate record of their transactions respecting the county infirmary, which book shall at all times be open to public inspection.

Superintendent. Salary.

Sec. 2523. The county commissioners shall appoint a superintendent, who shall reside in some apartment of the infirmary or other building contiguous thereto, and shall receive such compensation for his services as they determine. The superintendent shall perform such duties as the commissioners impose upon him, and be governed in all respects by their rules and regulations. He shall not be removed by them except for good and sufficient cause. The commissioners shall not appoint one of their own number superintendent, nor shall any commissioner be eligible to any other office in the infirmary or receive any compensation as physician, or otherwise, directly or indirectly wherein the appointing power is vested in such board.

Bond.

Sec. 2524. Before entering upon his duties the superintendent shall give bond to the state in a sum not to exceed twenty thousand dollars and not less than two thousand dollars as the commissioners require, with two or more sureties to the acceptance of the commissioners, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the board and his oath of office indorsed thereon, shall be deposited with the county treasurer and kept in his office.

Labor.

Sec. 2526. The superintendent of the infirmary shall receive therein any person who produces to him an order or voucher required by law, and shall require all persons received therein to perform such reasonable and moderate labor as is suited to their age and bodily strength. The

Sale of products.

superintendent shall sell all products of the infirmary farm not necessary for its use, and pay all moneys arising therefrom into the county treasury to the credit of the poor fund, to be paid out by the board of county commissioners as exigency requires. The superintendent of the infirmary shall have full authority to discharge inmates from the infirmary.

Reserve fund.

Sec. 2528. At the request of the superintendent, the county commissioners shall set apart from the poor fund a reserve fund not to exceed at any time two hundred dollars, which upon their order shall be paid to the superintendent and expended by him as needed for current supplies and expenses. The superintendent shall keep an accurate account of such fund, and all expenditures therefrom shall be audited by the board. When, and as often as such amount is entirely disbursed, on the order of the commissioners, the county auditor shall pay to the superintendent the amount so appropriated.

Account.

Certificate of amount for support.

Sec. 2529. On the first Monday of March in each year, the board of county commissioners shall certify to the county auditor the amount of money they will need for the support of the infirmary for the ensuing year, including all needful repairs thereof. The county auditor shall place the amount so certified on the tax duplicate of the county, and the county commissioners shall have full control of the poor fund and shall be held responsible therefor.

Levy.

Sec. 2530. When in any county the funds applicable for the support of the poor are insufficient, the county commissioners may levy for such purpose in addition to those otherwise authorized any rate not exceeding six-tenths of a mill on the dollar of valuation.

Vouchers, warrants, payment.

Sec. 2531. The auditor shall receive vouchers given by the commissioners and counter-signed by the clerk to any person, other than the commissioners themselves, for labor, provisions, medical attendance or supplies of any kind furnished to the institution and give the person a warrant on the county treasurer for the proper amount. The treasurer shall pay the warrant from the county poor fund, and the vouchers shall show the specific item or items allowed by the commissioners or shall be accompanied by a statement in writing showing the items.

Monthly examination of conditions.

Sec. 2532. At the first regular meeting in each month the county commissioners shall carefully examine the condition of the infirmary and the inmates, the manner in which they are fed, clothed and otherwise provided for and treated. They shall ascertain what labor the inmates are required to perform and shall inspect the books and accounts of the superintendent.

Annual report of superintendent.

Sec. 2533. On the first Monday of March and September of each year the superintendent of the county infirmary shall report to the commissioners of the county the condition of the infirmary, the number of inmates therein,

and such other information as the board thinks proper, with an account of all moneys received and paid out with vouchers, showing whence received and to whom and for what paid.

Sec. 2535. In his report for September, the superintendent of the infirmary shall give all statistical information for the year preceding the first day of that month shown by the record of inmates of the infirmary required herein to be kept by the superintendent. The report shall show the whole number of inmates at the beginning of such year, the number received during the year, the number born in the infirmary, and the total number of inmates for the year; the number discharged, the number of deaths, the number removed to other counties, states and institutions during the year and the number remaining; the daily average; the whole number of children under sixteen years of age, number placed in homes, number remaining ..... boys, ... girls, the number of children remaining; how many of sound mind; how many helplessly crippled; how many insane ..... males, ... females; how many epileptics ..... males, ... females; how many idiotic ..... males, ... females; total current expenses of infirmary, exclusive of farm products for the year; total value of farm products for the year; total amount paid in the county for out-door relief during the year; amount of salaries paid during the year to superintendent, matron, teacher; amount of wages paid employes.

Statistical information.

Sec. 2536. If in any county the proprietors or managers of two newspapers of general circulation and opposite politics notify the county auditor that they will publish free of charge a full and detailed statement of the receipts and expenditures of the county commissioners of the county for any designated month or months, the auditor shall at once so notify the county commissioners, who within twenty days shall furnish the auditor with a full account in detail of all money received and paid out by them during such month, whence it was received and to whom and for what purposes paid.

Free publication of detailed statement.

Sec. 2537. Such account shall separately state each item, showing the quantity and quality of all goods purchased and explicitly stating any special grade or brand thereof. Such statement shall also give the name of each employe in the infirmary, for what purpose employed, the salary or wages paid him each year or each month and the exact amount actually paid him during the month covered by the account.

Account.

Sec. 2539. County commissioners who fail or neglect to make the report required of them by the preceding section within the time therein required shall be fined not to exceed one hundred dollars. The prosecuting attorney of the county shall prosecute in the court of common pleas any one or all of such commissioners as provided by law in similar cases.

Penalty on failure to make report.

Removal.

Sec. 2540. The superintendent of the infirmary may remove any person becoming a charge upon the county who has no legal settlement in the state, to the county and state where such person has a legal settlement.

Admission when afflicted with contagious disease.

Sec. 2543. When a child is an applicant for admission to the children's home, and a regular practicing physician, upon examination, declares that such child is afflicted with a contagious or infectious disease and no means are provided at the children's home for its separation from the other children, it shall be cared for by the superintendent of the infirmary until it becomes eligible to the children's home.

Admission through township trustees.

Sec. 2544. In any county having an infirmary, when the trustees of a township, after making the inquiry provided by law, are of the opinion that the person complained of is entitled to admission to the county infirmary, they shall forthwith transmit a statement of the facts to the superintendent of the infirmary, and if it appears that such person is legally settled in the township or has no legal settlement in this state, or that such settlement is unknown, and the superintendent of the infirmary is satisfied that he should become a county charge, they shall forthwith receive and provide for him in such institution, or otherwise, and thereupon the liability of the township shall cease. The superintendent of the infirmary shall not be liable for any relief furnished, or expenses incurred by the township trustees.

Quarterly report to board of state charities.

Sec. 2545. The superintendent of the infirmary shall report quarterly to the board of state charities, the names of all persons to whom relief has been given outside of the infirmary, whether medical or otherwise, together with their age, sex and nationality, whether married or single, and, if married, the number of persons in the family, and the ages of each; also the reasons for extending relief, the nature and amount of the relief given, and any other information prescribed by such board.

Medical relief.

Sec. 2546. County commissioners may contract with one or more competent physicians, to furnish medical relief and medicines necessary for the persons of their respective townships to come under their charge, but no contract shall extend beyond one year. Such contract shall be given to the lowest competent bidder, the county commissioners reserving the right to reject any or all bids.

Physician's quarterly report.

The physicians shall report quarterly to the county commissioners on blanks furnished by the commissioners, the names of all persons to whom they have furnished medical relief or medicines, the number of visits made in attending such persons, the character of the disease, and such other information as may be required by the commissioners. The commissioners may discharge any such physician for proper cause.

Child under 16 years.

Sec. 2547. If a child under sixteen years of age, of sound mind and free from infectious or contagious disease becomes a county or township charge in any county where a children's home is not established or maintained as provided by law, but which contains such home established by private charity or otherwise, the superintendent of the infirmary, or the superintendent of any corporation infirmary therein may transfer such child to such established home, instead of committing it to the county or corporation infirmary. While it remains a public charge, the cost of maintaining such child shall be the same as in similar institutions.

When county charge is owner of property.

Sec. 2548. When a person becomes a county charge, and is possessed, or owner of property, real or personal, or has an interest in remainder, or is in any other manner legally entitled to a gift, legacy, or bequest, whatever, the county commissioners or board of administration or directors of a corporation infirmary shall take possession of all such property or other interests, and as soon thereafter as they deem proper, sell or dispose of it, the real estate to be sold as hereinafter provided. The net proceeds thereof shall be applied in whole or in part, under the special direction of the county commissioners or board of administration as they think best to the maintenance of such person, so long as he remains in the infirmary.

Proceeds to credit of person.

Sec. 2549. The net proceeds arising from the sale of such property shall be paid to the county treasurer, and by him placed to the credit of such person to be paid out on the warrant of the county auditor, approved by the county commissioners. The superintendent shall open an account with the person and charge him with board, and items furnished for his exclusive use, which account shall be approved by the superintendent of the infirmary or the proper officers of the corporation infirmary, and shall be submitted to the county commissioners on the first Monday of March and September of each year, when the superintendent of the infirmary and the superintendent of the corporation infirmary make their reports.

Disposition of balance on death or discharge.

Sec. 2550. Upon the death of such person or when lawfully discharged from the infirmary, whose property or effects have been so disposed of, and the avails thereof so applied, any balance due and in favor of such person on the books of the institution shall be paid by the superintendent of the infirmary to him, or in case of death to his or her legal representative.

Insane person having property.

Sec. 2551. When a person insane or otherwise becomes a county charge, or the inmate of a corporation infirmary, and is possessed of or owns real estate, or has an interest in reversion, or is legally entitled to a gift, legacy, or bequest, in real estate, the county commissioners or proper officers of the corporation infirmary shall take pos-

session of, and, when they deem it advisable to the best interests of such person, sell such property or other interests.

Petition for sale.

Sec. 2552. For that purpose, such county commissioners or proper officers shall file a petition in the court of common pleas or probate court, in the county where the property is situated, and the proceedings therefor, sale, confirmation of sale, and execution of deed by such county commissioners or officers shall in all respects be conducted as for the sale of real estate by guardians, and the net proceeds arising therefrom shall be applied under the direction of such county commissioners or officers, as they deem best, to the maintenance of the person so long as he or she remains in the infirmary.

Effect of bond for support by relatives.

Sec. 2553. Such county commissioners or officers of a corporation infirmary shall not take charge of such property if the guardian, husband, wife, heirs, or persons entitled to the residuary interest in the property, give bond to such county commissioners or officers, to their satisfaction and, at such times as they require, pay into the hands of the superintendent thereof an amount sufficient to support the person while he or she remains in the infirmary.

Commissioner may not sell or supply.

Sec. 2554. No county commissioners shall, direct or indirectly, sell or supply an article, to a superintendent or other person, for the relief of the poor, and no order shall be made by a county commissioner for the payment of supplies so sold or furnished, nor shall an order for the payment of money for supplies sold or furnished be paid to any such commissioner or assignee or holder thereof. A superintendent, commissioner, trustee, or other officer, who certifies to, allows or draws an order for the payment of an account or bill, knowing it to be false or fraudulent, in whole or in part, shall forfeit and pay not less than five hundred dollars nor more than three thousand dollars for each offense, and shall be liable to criminal prosecution, as provided by law.

Fraudulent account or bill.

Religious services.

Sec. 2556. Each board of county commissioners may provide for holding religious services on Sunday in the infirmary at least twice a month. Such services shall be conducted by a clergyman employed by the board for that purpose, for such term as the county commissioners shall designate, not to exceed one year. During his employment he may also conduct funeral services over deceased inmates.

SECTION 2. This act shall in no manner affect existing causes of action of pending action or proceedings.

This act shall take effect and be in force on and after January 1, A. D. 1913.

SECTION 3. That said original sections 2517 to 2521, inclusive, and sections 2522, 2523, 2524, 2526, 2528, 2529, 2530, 2531, 2532, 2533, 2535, 2536, 2537, 2539, 2540, 2543,

2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554 and 2556 of the general code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
193

[House Bill No. 210.]

AN ACT

To amend and supplement section 7832 of the General Code, by enacting section 7832-1, relative to certificates issued to special teachers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7832 of the General Code be amended and supplemented by enacting section 7832-1 to read as follows:

Teacher's special certificates.

Sec. 7832. No person shall be employed and enter upon the performance of his duties as a special teacher of music, drawing, painting, penmanship, gymnastics, German, French, Spanish, the commercial and industrial branches, or any one of them, in any elementary or high school supported wholly or in part by the state in any village, township or special school district, who has not obtained from a board of examiners having legal jurisdiction a certificate of good moral character; that he or she is qualified to teach the special branch or branches of study, and, in addition thereto, possesses an adequate knowledge of the theory and practice of teaching.

Experience.

Sec. 7832-1. A "teacher's special certificate" which shall be valid for the first four grades in elementary schools, shall be granted to applicants who have had one year's experience in the public schools of Ohio and who pass satisfactory examinations for primary work. However, nothing in this section shall exclude any teacher holding a valid teacher's elementary school certificate from teaching in any grade below high school rank.

Examinations—notice.

Such examinations shall be held twice in each school year, on such dates as the state commissioner of common schools may prescribe, of which he shall give at least 60 days' written notice to the clerks of the various boards of school examiners.

SECTION 2. That said original section 7832 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
194

[House Bill No. 480.]

AN ACT

To supplement an act entitled "An act relating to the preparation of a code of regulations to govern the erection and maintenance of public and other buildings" passed May 10, 1910.

WHEREAS, The secretary of the state board of health, state fire marshal and chief inspector of workshops and factories, acting conjointly, have been unable within the time allotted to fully complete a code of regulations as provided by the act to which this is supplementary, and

WHEREAS, Said secretary of the state board of health, state fire marshal and chief inspector of workshops and factories, have made a partial report of their labors and find it necessary to ask for more time in which to complete the code of regulations aforesaid; now, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the secretary of the state board of health, state fire marshal and chief inspector of workshops and factories, be and they are hereby empowered and required, acting conjointly, to continue their work of completing a code of regulations as is provided in said original act, to which this is supplementary and cause their completed work to be submitted to the next session of the General Assembly and to that end they may employ such assistants as they deem necessary; provided, however, that the total expense incurred in the employment of such assistants shall not exceed the sum of $5,000.00.

Appropriation.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
195

[House Bill No. 578.]

AN ACT

Fixing the liability of a bank to its depositor for payment of forged or raised checks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11225 of the General Code be supplemented by the addition of section 11225-1.

Sec. 11225-1. No bank which has paid and charged to the account of a depositor any money on a forged or raised check issued in the name of said depositor shall be liable to said depositor for the amount paid thereon unless either, (1) within one year after actual written notice to said depositor that the vouchers representing payments charged to the account of said depositor for the period during which such payment was made are ready for delivery, or (2) in case no such notice has been given, within one year after the return to said depositor of the voucher representing such payment, said depositor shall notify the bank that the check so paid is forged or raised.

When bank liable on forged or raised check.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.
196

[House Bill No. 368.]

AN ACT

To amend sections 3568 and 3570 of the General Code, relative to annexing adjoining or contiguous municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3568 and 3570 of the General Code, be amended so as to read as follows:

Sec. 3568. The submission shall be by ordinance adopted by the council of each corporation at least thirty days prior to an annual election, at which election the vote shall be taken. If there shall be presented to the council of a municipality proposed to be annexed to an adjoining or contiguous municipality a petition asking for the submission of the question of annexation to a vote signed by twenty-five per cent. or more of the resident electors of the territory to be annexed, and there shall accompany said petition a certificate duly verified on belief by oath from the

Submission by ordinance adopted.

Petition.

clerk of the board of deputy state supervisors and inspectors of election or from the clerk of the board of deputy state supervisors of election of the county in which said municipality is located, to the effect that the petition contain equal to twenty-five per cent. or more of the number of votes cast at the last municipal election in the territory to be annexed, the councils of both said municipalities shall order the question of annexation to be submitted to a vote at the next general election, whether state, county or municipal, occurring more than sixty days after the filing of such petition. After said petition has been presented to council the names of signers thereto shall not be withdrawn except upon proof of fraud, accompanied by an affidavit duly verified by oath setting forth the facts substantiating the same. Each ordinance shall prescribe the manner in which the submission shall be made and shall be published in each corporation by posters or otherwise, for the period of at least twenty days prior to the time fixed for the election in such manner as the council deems most expedient.

Order by both municipalities.

Publication.

If, upon the presentation of said petition so signed together with the certificate of the clerk of the board of deputy state supervisors and inspectors of election, the council of the municipality proposed to be annexed, shall, for twenty days after the presentation of said petition and certificate, fail to pass the necessary ordinance for the purpose of causing a submission of the question of annexation to a vote of the electors of said municipality, then, upon the presentation of a copy of said petition and certificate to the county commissioners of the county in which said municipality is situated, it is hereby made the duty of said commissioners to cause the question of annexation of the said municipality to be submitted at the next general election whether state, county or municipal, occurring more than sixty days after the presentation of said petition and certificate, by passing a resolution directing the submission of the question of annexation of said municipality at which election a vote shall be taken upon the question of annexation and the resolution shall prescribe the manner in which such submission shall be made. And in the event of the county commissioners causing the question to be submitted to the electors of the municipality proposed to be annexed, the council of the municipality to which it is proposed to annex said territory shall pass the necessary ordinance as directed by this act for the purpose of submitting the question of annexation to the electors of the municipality to which it is proposed to annex.

Procedure on failure to pass ordinance.

Sec. 3570. The council of each corporation shall then appoint, by resolution or ordinance, three commissioners to arrange the terms and conditions of annexation, and report the result of their action to the council of their respective corporations. And if the council of the municipal corporation proposed to be annexed shall fail to appoint such commission within thirty days from the time the result of

Commissioners.

the election is certified, then the county commissioners of the county in which said municipal corporation, is situated shall appoint such commissioners for said municipal corporation, and the duties of the commissioners thus appointed shall be the same as those of commissioners appointed by the council except that they shall make their report to the county commissioners. In the event the commissioners of the municipal corporation proposed to be annexed shall fail to agree to arrange terms and conditions of annexation with the annexation commissioners of the annexing municipality on or before the first day of May following the election in favor of such annexation, then, the county commissioners of the county in which such municipal corporations are situated shall upon complaint of the commissioners of the annexing corporation appoint commissioners for said municipal corporation to be annexed, which commissioners shall be residents of the territory to be annexed, and the duties of the commissioners thus appointed shall be the same as those of commissioners appointed by the council except that they shall make their report to the county commissioners.

Failure to arrange terms.

SECTION 2. That said original sections 3568 and 3570 of the General Code, be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 13th, 1911.

JUDSON HARMON,
Governor.
197

[Senate Bill No. 294.]

AN ACT

To supplement section 3939 of the general code by the enactment of a section to be known as section 3939-1, relating to the construction of subways by municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3939 of the general code be supplemented by the enactment of an additional section to be known as section 3939-1.

Sec. 3939-1. When it deems necessary, the council of a municipal corporation, by affirmative vote of not less than two-thirds of the members elected or appointed thereto, by resolution or ordinance, may issue and sell bonds in such amounts and denominations, for such period of time, at

May issue bonds to construct subway.

such rate of interest, not exceeding six per cent., and in the manner, as provided by law, to provide for the construction of subways under any street or boulevard or elsewhere.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
198

[Senate Bill No. 196.]

AN ACT

To provide for the appropriation of funds for deepening and clearing the channel of the south fork of Licking creek, Fairfield county, Ohio, by removing the aqueduct crossing said creek and substituting therefor a conduit.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation.

SECTION 1. That there shall be appropriated from any money in the state treasury not otherwise appropriated, the sum of four thousand dollars, to be paid out on properly drawn orders upon the advice and consent of the state board of public works.

Survey plans and specifications for removal of obstructions from Licking creek.

SECTION 2. The chief engineer of the state board of public works shall go upon the aqueduct crossing south fork of Licking creek in Fairfield county, Ohio, and land contiguous thereto and make necessary surveys, plans, specifications, maps, plats, profiles, and estimates, showing in detail the kind of ditches, or dredge cuts, and kind of device or devices to be installed to remove the obstruction from the channel of said creek, estimate the cost thereof, and the said state board of public works is hereby directed to advertise for bids for performing of said labor and furnishing machinery and material according to said plans and specifications, by publishing said advertisement from time to time and in such manner as said board shall determine, which advertisement shall specify the time and place of receiving said bids, the amount of bonds or other security required conditioned on entering into a contract if awarded same and such matters as they may deem proper.

Advertisement.

Award.

Payment.

SECTION 3. Payment upon any such contract shall be made upon a certificate of the engineer when the contract is complete, subject to the acceptance of same by said board.

SECTION 4. If bids are received as herein specified, the board of public works shall cause specifications to be prepared specifying the manner in which such dredging and other work shall be performed, and any person or persons

who may be awarded such contract shall furnish a bond in amount and with securities to the satisfaction of such board. Bond.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.

199

[Senate Bill No. 142.]

AN ACT

To amend sections 7877, 7878, and 7891 of the general code relating to teachers' pensions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7877, 7878 and 7891 of the general code be amended to read as follows:

Sec. 7877. When the board of education of any school district has declared the advisability of creating a school-teachers' pension fund, its clerk shall notify each teacher in the public schools and high schools, if any, of the school district, by notice in writing of the passage of such resolution, and require the teachers to notify the board in writing within thirty days from the date of such notice whether they consent or decline to accept the provisions of law for creating such a fund; but teachers who, prior to the first day of July, 1911, were in the employ of a board of education which has created such a fund under this law shall not be denied the right of accepting the provisions hereof before the first day of January, 1912. After the election of the board of trustees herein provided for, two dollars ($2.00) shall be deducted by the proper officers from the monthly salary of each teacher who accepted such provisions, and from the salary of all new teachers such sum to be paid into and applied to the credit of such pension fund; and such sum shall continue so to be deducted during the term of service of such teacher. Provision for creation of school teacher's pension fund.

All persons employed for the first time as teachers by a board of education which has created such a pension fund shall be deemed new teachers for the purpose of this act, but the term new teachers shall not be construed to include teachers serving under reappointments. New teachers shall by accepting employment as such accept the provisions of this act and thereupon become contributors to said pension fund in accordance with the terms hereof. And the provisions of this act shall become a part of and enter into such contract of employment.

Sec. 7878. All moneys received from donation, legacies, gifts, bequests, or from any other source, shall also be paid Donations, bequests, etc.

into such fund, or into a permanent fund. If paid into a permanent fund, only the interest thereof shall be applied to the payment of pensions.

Sec. 7891. A teacher who resigns, upon application within three (3) months after such resignation takes effect, shall be entitled to receive one-half of the total amount paid by such teacher into such fund. If at any time a teacher who is willing to continue in the service of the board of education is not re-employed or is discharged before his term of service aggregates twenty years, then to such teacher shall be paid back at once all the money he or she may have contributed under this law. But if any teacher who has taught for a period aggregating twenty years is not re-employed by the board of education, such failure to re-employ shall be deemed his retiring, and such teacher shall be entitled to a pension according to the provisions of this act.

Provisions for refunding.

SECTION 2. That said original sections 7877, 7878, and 7891 of the general code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 13th, 1911.

JUDSON HARMON,
Governor.

200

[House Bill No. 122.]

AN ACT

To amend section 5056 of the General Code relating to opening and closing of polls.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5056 of the General Code be amended to read as follows:

Opening and closing of polls.

Sec. 5056. The polls shall be opened at five-thirty o'clock forenoon and kept open up to and close at six o'clock, central standard time in the afternoon of the same day.

SECTION 2. That said original section 5056 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 14th, 1911.

JUDSON HARMON,
Governor.

201

[Senate Bill No. 229.]

AN ACT

To amend section 5638 and to substitute sections 5639, 5640, 5641 and 5642 by the enactment of sections to be known as sections 5639-1, 5640-1, 5641-1 and 5642-1 and to repeal section 5645 of the general code, relating to the expenditure of money and the issuing of bonds by county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. To amend section 5638 and to substitute sections 5639, 5640, 5641 and 5642 by the enactment of sections to be known as sections 5639-1, 5640-1, 5641-1 and 5642-1 and to repeal section 5645 of the general code, relating to the expenditure of money and the issuing of bonds by county commissioners.

Sec. 5638. The county commissioners shall not levy a tax, appropriate money or issue bonds for the purpose of building county buildings, purchasing sites therefor, or for land for infirmary purposes, the expenses of which will exceed $15,000.00, except in case of casualty, and as hereinafter provided; or for building a county bridge, the expense of which will exceed $18,000.00, except in case of casualty, and as hereinafter provided; or enlarge, repair, improve, or rebuild a public county building, the entire cost of which expenditure will exceed $10,000.00; without first submitting to the voters of the county, the question as to the policy of making such expenditure.

Powers of county commissioners limited.

Sec. 5639-1. When the board of county commissioners desires to submit such question to the voters of the county, it shall pass and enter upon its minutes a resolution declaring the necessity of such expenditure, fixing the amount of bonds to be issued, if any, in connection therewith, and fixing the date upon which the question of making any such expenditure shall be so submitted, and shall cause a copy of such resolution to be certified to the deputy state supervisors of elections of the county; and thereupon the deputy state supervisor shall prepare the ballot and make other necessary arrangements for the submission of the question to the voters of the county at the time fixed in such resolution.

Submission to vote after passage of resolution.

The election shall be held at the regular places for voting in such county and shall be conducted, canvassed, and certified in the same manner, except as otherwise provided by law, as for the election of county officers. Fifteen days' notice of the submission of any such question shall be given the deputy state supervisors by publication in at least two newspapers of opposite politics having a general circulation in said county, which notice shall be published once a week for two consecutive weeks, and shall state the amount of such proposed expenditure, the amount of the bonds, if any, to be issued in connection therewith, the purpose for which such expenditure is to be made, and the time of holding such election.

Conduct of election.

Publication.

Ballot.

Sec. 5640-1. The ballots provided by the deputy state supervisors shall have printed upon the same the words, "In favor of the expenditure of $..... for the purpose of ....." and "Against the expenditure of $..... for the purpose of .....," said blanks to be filled with the amount proposed to be expended and the purpose for which said money is to be expended. If the board of county commissioners desire to submit upon the same ballot more than one question as to the expenditure of money for any of the purposes referred to in section 5638, the same may be done by proper resolution and notice, and by separately stating upon said ballot each proposition, as above provided.

More than one question may be submitted.

Sec. 5641-1. When the result of such election has been ascertained, the deputy state supervisors shall certify the same to the auditor of said county and he shall enter the same upon the records of the board of county commissioners.

Certificate of result.

Sec. 5642-1. If a majority of the votes so cast are against the proposed expenditure the board of county commissioners shall not assess a tax or issue bonds therefor. If a majority of the votes cast are in favor of the proposed expenditure, the board of county commissioners shall proceed to issue bonds in any sum not exceeding the amount stated upon said ballots, the proceeds of which shall be used exclusively for the purpose stated upon said ballot, and said board shall levy such amount of tax as may be necessary to pay the interest accruing on said bonds and to redeem them at maturity.

SECTION 2. That said original sections 5638, 5639, 5640, 5641, 5642 and 5645 of the general code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 14th, 1911.

JUDSON HARMON,
Governor.
202

[House Bill No. 564.]

AN ACT

To amend section 763 of the General Code relative to where printing of the first, second and fifth classes as provided in section 754 shall be printed.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 763 of the General Code be amended to read as follows:

Where printing shall be done.

Sec. 763. All printing under the provisions of this

chapter must be executed within this state. That included in the first, second and fifth classes must be executed within the city of Columbus.

SECTION 2. That said original section 763 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.

203

[Senate Bill No. 208.]

AN ACT

To amend section 3579 of the general code relating to the detaching of unplatted farm lands from municipalities, and of attaching the same to adjacent townships.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3579 of the general code be amended to read as follows:

Sec. 3579. On the hearing of such cause, if the court finds that the lands are farm lands, and are not within the original corporate limits of the municipality, that by reason of the same being or remaining within the municipality the owner thereof is taxed and will continue to be taxed thereon for municipal purposes in substantial excess of the benefits conferred by reason of such lands being within the municipality, and that said lands may be detached without materially affecting the best interests or good government of such municipality or of the territory therein adjacent to that sought to be detached, an order and decree may be made by the court in its discretion and entered on the record that the lands be detached from the municipality and be attached to the most convenient adjacent township in the same county. Thereafter the lands shall not be a part of the municipality, but shall be a part of the township to which they have been so attached. The costs shall be taxed as to the court may seem right.

Hearing.

Decision.

SECTION 2. That said original section 3579 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 13th, 1911.

JUDSON HARMON,
Governor.

204

[Senate Bill No. 124.]

AN ACT

To amend section 12577 of the general code relative to placing of counter floors in buildings in course of erection.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12577 of the general code be amended so as to read as follows:

Each day additional offense.

Sec. 12577. Each day that such person neglects or refuses to have such counter-floors so placed, after notice given by a building inspector, a chief inspector or deputy inspector of the city building inspection departments in cities where such department is organized, or by the chief inspector or deputy inspector of workshops and factories of the state, in cities where such departments are not organized, or from a person whose life or personal safety may be endangered by such neglects or refusal, shall be a separate offense.

SECTION 2. That said section 12577 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
205

[Senate Bill No. 123.]

AN ACT

To amend section 1030 of the general code relative to the penalty for operating dangerous machinery after being condemned by the department of workshops and factories.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1030 of the general code be amended so as to read as follows:

Penalty.

Sec. 1030. Whoever, being the owner or operator of a shop or factory, violates any provision of the preceding section shall be fined not less than one hundred dollars nor more than two hundred dollars for the first offense, and not less than five hundred dollars nor more than one thousand dollars for each subsequent offense.

SECTION 2. That said section 1030 of the general code of Ohio be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
206

[Senate Bill No. 252.]

AN ACT

To protect the nurseries and orchards and promote the horticultural interests of the state, and to amend sections 1109, 1110, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1122, 1124, 1125, 1126, 1127 and 1128 of the general code, and to supplement section 1114 by adding section 1114-1.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1109, 1110, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1122, 1124, 1125, 1126, 1127 and 1128 of the general code be amended, and section 1114 be supplemented as follows:

Sec. 1109. A division of nursery and orchard inspection in the department of agriculture is hereby established. The state board of agriculture may make such regulations as it deems necessary for the prevention and control of insect pests or plant diseases. The term "nursery stock" as used in the sections herein relating to nursery and orchard inspection, includes trees, shrubs, plants, vines, buds, scions and cuttings commonly grown in nurseries and orchards except greenhouse plants and cuttings thereof, bulbs, flowers and vegetable plants. The terms "insect pests" and "plant diseases", as used in such sections include San Jose scale, peach yellows, black knot and other dangerously injurious insect pests and plant diseases.

Regulation and control of insect pests and plant diseases.

Definitions.

Sec. 1110. The state board of agriculture shall appoint a competent entomologist as chief inspector and such assistant inspectors as it deems proper. The state board of agriculture shall have charge of the inspection of nurseries, orchards and all other premises whereon trees, shrubs, plants and vines are grown, except greenhouse plants and cuttings thereof, bulbs, flowers and vegetable plants. It may investigate, or cause to be investigated, outbreaks of insect pests or plant diseases, cause suitable measure to be taken for their eradication or control, devise, test and demonstrate practical remedies for their suppression, and publish the results of such investigations, together with such other information as it deems necessary.

Inspectors.

Investigations published.

Application for investigation.

Sec. 1111. On or before the first day of July of each year, each nurseryman or other person engaged in growing nursery stock for sale within the state, shall file in the office of the state board of agriculture an application for the inspection of such nursery stock. Before September 15th of each year or as often as the state board of agriculture deems necessary, it shall examine or cause to be examined the nursery stock of each person whose application for inspection has been filed. The failure to file such application or the disposal of uninspected stock by sale or gift shall be a violation of this section. Each nurseryman or other person importing plants or nursery stock from foreign countries shall notify the state board of agriculture of such shipment, the date of arrival, nature of the shipment, name and address of the shipper and shall hold such shipment unopened until duly inspected and released by the chief inspector. Such inspection shall be made within four days from the date of arrival of such shipment. The provisions of this section shall not apply to greenhouse plants and cuttings thereof, bulbs, flowers and vegetable plants.

Failure to file application or sale of uninspected stock a violation.

Exceptions.

Certificate of inspection valid for one year.

Fee.

Sec. 1112. If, upon examination, the nursery stock and premises of such applicant appear to be free from insect pests and plant diseases, the state board of agriculture through the chief inspector, shall before September 15th, issue to the owner or lessee thereof a certificate of inspection valid for one year from that date, unless revoked, provided there has been received from each applicant, growing five acres or less of nursery stock, the sum of five dollars, and from each applicant growing more than five acres of nursery stock, the sum of ten dollars, and in addition thereto five dollars for each day or fraction thereof required to complete the inspection after the first day. No fee shall be required for the inspection of orchards from which scions or cuttings are sold. If, upon examination, any insect pests or plant diseases are found upon such nursery stock the state board of agriculture shall order and enforce such treatment as it deems sufficient. As soon thereafter as the efficiency of treatment can be determined, such nursery stock shall be reinspected upon the owner filing application for the same.

Certificate of fumigation.

Sec. 1113. Upon written request of the owner of nursery stock for which a certificate of inspection has been issued as provided in section 1112, the state board of agriculture shall also issue a certificate of fumigation. When any nursery stock is found to be slightly infested with San Jose scale or any insect pest which can be destroyed by fumigation, the state board of agriculture may at its discretion, permit the disposal of such stock within the state under official certificate of fumigation, and upon receipt by the nurseryman of the written consent of the purchaser.

Sec. 1114. Annually, each agent, or other person engaged in the sale or delivery of nursery stock within this state, who is the authorized representative of any nursery

or dealer in nursery stock, shall file in the office of the state board of agriculture, a statement, under oath that such stock was received by him accompanied with a valid certificate of inspection or fumigation. He shall submit proper credentials from the nurserymen or dealer represented and obtain an agents' license which will be issued upon payment of a fee of one dollar to the state board of agriculture. Said license shall become invalid on the expiration of the certificate covering the stock sold.

Verified statement of salesman filed with board of agriculture.

Agent's license.

Sec. 1114-1. Annually each dealer, person or firm engaged in the sale or delivery of nursery stock within the state, who is not the authorized representative of any nurseryman, shall file in the office of the state board of agriculture a statement under oath, that such stock will be procured from nurserymen holding valid official certificate of inspection or fumigation. Such statement shall contain the names of nurserymen or the sources from which stock will be procured and the location of the packing or sale grounds from which the stock will be distributed. This statement must be accompanied by a fee of five dollars, upon receipt of which a dealer's certificate shall be issued by the state board of agriculture. This certificate may be attached to all shipments of nursery stock made to points within the state, and shall become invalid on September 1, following date of issuance. The failure to pay required fees, to file such statements or the deliverey of nursery stock after the certificate under which it was received has become invalid shall be a violation of this section.

Verified statement of unauthorized salesman.

Violations.

Sec. 1116. If a nurseryman or other person within the state ships or delivers any nursery stock except for scientific purposes, he shall place upon each carload, box, bale or package, a copy of his certificate, issued by the state board of agriculture that such stock is apparently free from insect pests and plant diseases, or a copy of a certificate of fumigation, issued by the state board of agriculture, stating that such stock has been fumigated under the supervision of the state board of agriculture. Changing or defacing a certificate, placing it on uncertified stock, or using it after date of its expiration or revocation shall be a violation of this section.

Certificate on shipment.

Changing or defacing certificate.

Sec. 1118. The certificate accompanying nursery stock shipped or conveyed into the state shall be prima facie evidence of the fact therein stated; but if the state board of agriculture has reason to believe that such stock is infested or infected, it may cause it to be examined, and for such purpose may enter any car, depot, warehouse, or other structure containing such nursery stock. If found to be infested or infected with insect pests or plant diseases, it shall be seized and the shipper thereof be notified to remove it from the state. If it be not removed within ten days from seizure it may be destroyed.

Prima facie evidence only.

Sec. 1119. If a nursery stock is shipped or conveyed into this state without such certificate of inspection or fumigation affixed to the outside of the package, box or car

Notification when shipment without certificate affixed.

containing it, the railroad, express or steamboat company, or person carrying such stock, shall report such fact within twenty-four hours to the state board of agriculture. No such stock shall be delivered until it has been examined by the state board of agriculture and certified to be apparently free from insect pests or plants diseases. The failure by an agent, common carrier or other person to give such notice as herein required shall be a violation of this section.

Violation.

Sec. 1120. Upon the application of a nurseryman or other person for inspection as provided in section 1111 or upon the written request of a free-holder or lessee resident of this state, the state board of agriculture shall cause nursery stock and premises of the applicant or petitioner and all premises in dangerous proximity thereto, to be examined. In the prosecution of official duties the state board of agriculture may enter within reasonable hours upon any premises or into any building containing nursery stock. If an examination discloses the presence of insect pests or plant diseases, the state board of agriculture shall notify the owner or lessee of the premises of such fact by mailing a notice to his usual postoffice address. The notice shall specify the nursery stock to which treatment shall be applied and the time within which the order of the state board of agriculture must be complied with.

Rights when acting under official duties.

Notice.

Sec. 1121. If the owner of such nursery stock fails to apply such treatment in a satisfactory manner and within the time specified, such treatment may be given under the direction of the state board of agriculture, and the costs thereof certified to the auditor of the county in which the property is located. The costs so certified shall be a lien on such premises, be collected by the county treasurer as taxes, and paid to the state board of agriculture.

Board may apply treatment on failure of owner to do so; costs.

Sec. 1122. If the state board of agriculture orders growing nursery stock to be destroyed, and the owner fails for ten days after notice to comply with the order, the state board of agriculture shall commence an action without delay in the probate court of the county in which it is located by filing an affidavit setting forth that such stock is infested or infected with insect pests or plant diseases, a description of the premises whereon it is located, the name of the owner or lessee thereof, and the names of all persons having an interest in such premises or nursery stock. In case of nursery stock, the affidavit shall also state the name of the person, firm or corporation in whose possession it was found, that ten days have elapsed since an order was made for its destruction and that such order has not been obeyed.

Action, when owner fails to comply with order for 10 days to destroy.

Affidavit.

Sec. 1124. At the time fixed in such summons, if a jury is not waived, the probate court shall order a jury to be drawn, summoned and empaneled as in other civil cases in such court. The state of Ohio shall be plaintiff and

the person named in the affidavit shall be defendant; no pleading other than the affidavit shall be required, and the issue shall be whether such nursery stock is infested or infected with insect pests or plant diseases. If the jury finds that the order of the state board of agriculture for the destruction of such nursery stock should be obeyed, it shall return a verdict for the plaintiff; otherwise, it shall return a verdict for the defendant.

Pleading; trial; jury; verdict.

Sec. 1125. If the verdict of the jury is for the plaintiff, the court shall enter judgment against the defendant for costs, cause execution to be issued therefor, and issue an order to the state board of agriculture to enforce the order by it made. If the verdict is for the defendant the action shall be dismissed, the order for the destruction of the property annulled, and the costs ordered paid by the state board of agriculture. In taxing and apportioning costs, the probate court shall have the same powers as are conferred by law upon the court of common pleas.

Costs.

Sec. 1126. Whoever fails or refuses to destroy any nursery stock within ten days after the probate court has issued its order to the state board of agriculture, as provided in the preceding section, hinders or obstructs the carrying out of any provision relating to the inspection of nursery stock, or violates any such provisions shall be fined not less than ten dollars nor more than one hundred dollars for the first offense and not less than fifty dollars nor more than three hundred dollars for any subsequent offense, and be committed until such fine and costs of prosecution are paid.

Penalty.

Sec. 1127. The probate court of each county shall have original and final jurisdiction in prosecutions under the provisions herein relating to the inspection of nursery stock. Such court shall be open at all times for such purposes regardless of the terms fixed therein for the trial of criminal cases, and the complainant shall not be required to give security for costs. The prosecuting attorney of each county, or the attorney general shall conduct such prosecutions, and all fines recovered therein shall be paid to the state board of agriculture.

Jurisdiction.

Sec. 1128. All monies derived from the provisions of this act shall be paid to the state board of agriculture and by it deposited in the state treasury to the credit of the agricultural fund, and to be expended in promoting and protecting the horticultural interests of the state. The state board of agricultural shall make an annual report to the governor of the operations of the division of nursery and orchard inspection. The report shall state the number of nurseries inspected, the number of certificates issued, the number of trees treated, and number destroyed and such other information as it deems proper.

Monies derived from this act paid to board of agriculture.

Report.

SECTION 2. That said original sections 1109, 1110, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1122, 1124,

1125, 1126, 1127 and 1128 of the general code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
207

[Senate Bill No. 111.]

AN ACT

To amend section 982 of general code relative to assistants to chief inspector of workshops and factories, providing for an additional assistant chief inspector with a view to securing a more satisfactory compliance with the building laws.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 982 of the general code be amended to read as follows:

Providing assistants to chief inspector and their duties.

Sec. 982. With the approval of the governor, the chief inspector of workshops and factories shall appoint a first assistant chief inspector of workshops and factories, and a second assistant chief inspector of workshops and factories, each of whom shall give his whole time and attention to the duties of his office. The first assistant chief inspector of workshops and factories shall be a competent and practical architect, and the second assistant chief inspector of workshops and factories shall have a practical knowledge of architecture and of heating and ventilating. Such first and second assistant chief inspectors of workshops and factories shall carefully examine the plans and specifications, for the construction, addition or alteration of buildings named in section one thousand and thirty-one of this chapter, and perform such other duties as the chief inspector directs. In addition to their respective salaries, the first and second assistant chief inspectors of workshops and factories shall each be allowed his necessary traveling expenses incurred in the discharge of his official duties.

Expenses.

SECTION 2. That said section 982 of the general code of Ohio be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
208

[Senate Bill No. 205.]

AN ACT

To amend section 973 of the general code, regulating the location of oil and gas wells.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 973 of the general code, as amended April 5, 1910, be amended to read as follows:

Sec. 973. Any person, firm or corporation causing to be drilled any well for oil or gas or elevator well or any test well within the limits of any coal producing county of this state, must give notice, in writing, of such fact to the chief inspector of mines, stating the location of the land upon which such well is to be drilled.

Written notice to mine inspector before drilling gas or oil well in coal producing county.

It shall be the duty of any such person, firm or corporation to make or cause to be made an accurate map on a scale of one inch to four hundred feet, showing on said map the location and number of wells, the property lines of the property upon which located in the township, section and quarter section in which the same is being drilled, together with a measurement from the section line and also from the quarter section line, together with the sworn statement of the person, firm or corporation making said map, the same to be kept on file in the office of the state mining department and shall be open for inspection by the public at all reasonable hours. The original map shall be retained by the owner or surveyor and one blue print filed with the chief inspector of mines and one with the recorder of the county in which such well is located within sixty days after the passage and approval of this act, or after commencing to drill any oil or gas well, and if drilling is still continued on the property already surveyed, a complete blue print shall be made and filed at the end of each year.

Map showing location and number of wells.

Filing of maps.

No oil or gas well shall be drilled nearer than three hundred feet to any opening to a mine used as a means of ingress or egress for the persons employed therein, nor nearer than one hundred feet to any building or inflammable structure connected therewith and actually used as a part of the operating equipment of said mine.

300 feet limitation.

In the event that a well being drilled for oil or gas penetrates the excavations of any mine, it must be cased with casing of approximately the same diameter as the diameter of the hole, the hole to be drilled thirty feet or to solid slate or rock and not less than ten feet below the floor of such mine, and the casing shall be placed in the following manner; one string of casing shall be placed at a point above the roof of said mine so as to shut off all of the surface water and then the hole drilled through said mine and another string of casing put in and the bottom of the second string of casing, or the one passing through said mine shall not be nearer than ten feet or more than thirty feet from the floor of the mine where it passes through the same.

Manner of casing.

When any well which has been drilled for oil or gas is to be abandoned and has passed through the excavations of any coal mine from which the mineral coal has not all been removed the person, firm or corporation owning said well shall leave in said well the casing passing through said mine from a point not less than ten feet or more than thirty feet below the floor of said mine and extending above the roof of said mine five feet and a seasoned wooden plug or iron ball shall be driven to a point forty feet below the floor of the mine and shall then fill the hole and the casing left in with the cement or a seasoned wooden plug or iron ball shall be driven on top of the same, and the hole shall then be filled for a distance of not less than twenty feet with cement. If any oil or gas well has passed through a workable vein or seam of coal it shall when it is abandoned be plugged in the following manner; a seasoned wooden plug or iron ball shall be driven to a point thirty feet below the lowest workable seam of coal and the hole filled with cement to a point twenty feet above the first seam of coal and another wooden plug or iron ball driven and the hole filled for a distance of twenty feet with cement.

When casing to be left in well.

The property owner or owners shall report to the chief inspector of mines of the commencing to drill of any well or wells for oil or gas on his or their property and shall report at the end of each year thereafter if drilling is continued the number of wells drills on his or their property, the date drilled and by whom drilled.

When owner shall notify inspector of commencing to drill for oil or gas.

When any oil gas well is to be abandoned, the person, firm or corporation having drilled or operated such well, shall notify the chief inspector of mines, at least ten days in advance so that he may direct one of his district inspectors to be present at the time of abandonment.

10 days notice to inspector of abandonment.

SECTION 2. That said original section 973 of the general code, as amended April 5, 1910, be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.

209

[House Bill No. 150.]

AN ACT

To authorize the joint use of fair grounds as such and also as public parks.

Be it enacted by the General Assembly of the State of Ohio:

Section 4082-1. SECTION 1. Any real estate controlled and managed by any agricultural society organized under the laws of

Ohio, pertaining to agricultural societies, whether owned by it or by any county, or jointly by it and any county and which is situated within, adjacent to or near any municipal corporation and used as a site for fairs, may be jointly used as such site for fairs and also as a public park of such municipal corporation, although the title thereto shall remain in such agricultural society or county, or both such agricultural society and such county as the case may be.

Joint use of fair grounds.

Section 4082-2. SECTION 2. The duration of such joint use and all the terms and conditions thereof shall be such as may be agreed upon between such municipal corporation and such agricultural society or if such county has any interest in such real estate then such agreement shall be made between such municipal corporation on the one hand and such agricultural society and such county acting through its board of county commissioners.

Agreement.

Section 4082-3. SECTION 3. Such municipal corporation shall have the same authority and power to improve, equip and maintain such real estate as a public park and to do all things necessary for its use and enjoyment as such public park which it has under the laws of Ohio as to parks owned by it in fee.

Powers of municipality.

The sectional numbers on the margin hereof are designated as provided by law.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
210

[Senate Bill No. 99.]

AN ACT

To provide for the acceptance of lands for park purposes and the appointment of park commissioners by the judge of the probate court.

Be it enacted by the General Assembly of the State of Ohio:

Section 2976-1. SECTION 1. The probate judge of any county is hereby authorized to appoint a board of park commissioners for such county, which board shall consist of four suitable resident electors of said county, one to serve for one year, one to serve for two years, one to serve for three years, and one for four years, from the first Monday in March succeeding the appointment and thereafter one commissioner annually to serve for four years. The probate judge shall fill any vacancy which occurs in the board, by appointment for the unexpired term. Not more than two of said board of park commissioners shall belong to the same political party.

Providing county board of park commissioners.

Section 2976-2. SECTION 2. Said board of park commissioners shall serve without compensation and shall give bond to the county in the sum of $1,000.00 for the faithful perform-

Bond.

Powers and duties.

ance of their duties. Said board of park commissioners shall have power to receive in the name of such counties, gifts, donations and devises of land and property, real and personal, for the establishment of parks, boulevards and public grounds outside of cities, for the use of said county, subject, however, to the approval of the county commissioners. They shall have power to expend such donations of money and personal property in making surveys and plats, and in paying for the services of landscape architects and engineers and for such other purposes as are necessary to carry into effect the provisions of this act.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 13th, 1911.

JUDSON HARMON,
Governor.

211

[House Bill No. 96.]

AN ACT

To validate titles to lands in any county, in the state of Ohio, wherein defects exist by reason of the destruction of the deed, plat or court records of said county, by fire, riot or civil commotion, and more than twenty-one years have elapsed since said destruction.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all cases where there shall exist any defect in the record of the title to any of the lands in any county, in the state of Ohio, which defect is due to the total or partial destruction of a deed, plat or court record of such county by fire, riot or civil commotion, and more than twenty-one years have elapsed since such total or partial destruction, the title to any such lands is hereby made valid in the owner thereof as against any defect in the record of the title thereto, resulting from such total or partial destruction of the deed, plat or court record of said county, by such fire, riot or civil commotion, provided, that nothing herein contained shall affect litigation now pending in any of the courts of this state, and any person or persons adversely claiming title thereto, shall begin proceedings within one year from the taking effect of this act, if not already barred by limitation or otherwise.

Validating title to lands.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed ....., 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.

212

[House Bill No. 95.]

AN ACT

To cure and make valid certain deeds and the record thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. When any deed conveying real estate shall have been of record in the office of the recorder of the county within this state, in which such real estate is situated, for more than twenty-one years prior to the taking effect of this act, and the record thereof shows that there is a defect in such deed, for any one or more of the following reasons: because the husband did not join with the wife or the wife with the husband in all the clauses of the deed conveying such real estate, but did join with each other in one of them, in the execution and acknowledgment of such deed; or because any grantor in such deed omitted to affix his seal thereto; or because such deed was not properly witnessed; or because the acknowledgment to such deed does not show that the wife was examined separate and apart from her husband; or because the officer taking the acknowledgment of such deed, having an official seal, did not affix the same to the certificate of acknowledgment; or because the certificate of acknowledgment is not on the same sheet of paper as the deed; or because the executor, administrator, guardian, or assignee or trustee making such deed, signed the same individually instead of in his official capacity; or because the corporate seal of the corporation making such deed was not affixed thereto, such deed and the record thereof shall be cured of such defects, and be effective in all respects as if such deed had been legally made, executed and acknowledged. Provided, that nothing herein contained shall be construed to affect rights vesting after the record of such defective deed and prior to the passage of this act, or operate on any suit or action now pending, or which may have been heretofore determined in any court of this state, in which the validity of the making, execution or acknowledgment of any such deed has been or may hereafter be drawn in question. Any person claiming adverse title thereto shall bring proceedings within one year from the taking effect of this act, if not already barred by limitation or otherwise.

Curing and validating certain deeds and the record.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.
213

[Senate Bill No. 242.]

AN ACT

To enable counties to appropriate money or to issue bonds in aid of the construction by public authority and control of canals or waterways suitable for steamships, steamboats, barges or other vessels, and providing for the procedure in such cases.

Be it enacted by the General Assembly of the State of Ohio:

Section 2503-1.

SECTION 1. That whenever a canal or waterway of substantially definite route shall be authorized to be constructed by or under the authority, management and control of the government of the United States, or of the state of Ohio, either separately or jointly or in co-operation with any state or states to connect the great lakes or the ocean with the navigable waters of this state, or with the Ohio river, by a route situate within, or partly within and partly without the state, suitable for steamships, steamboats, barges or other vessels, it shall be lawful for any county situate on the route thereof or connected therewith by navigable waters, or railroad, or other highway of commerce in such manner that the construction of such canal or waterway will be for the general public benefit of the community of such county, to give aid by the appropriation of money or the issue of bonds as hereinafter set forth.

Counties may give aid to establish waterway.

Provisos.

Provided that such canal or waterway shall be and remain exclusively a public enterprise under public management, control and operation, free from the private management, or interest, or possession in any wise of any individual, company, corporation, association or institution, and

Provided, further, that of any surplus of tolls, rates and charges accruing from the operation of such canal or waterway or the sale of water or water power or from other income remaining after payment of the cost of operation, maintenance and improvement, such county shall receive such proportionate part as its contribution bears to the total sum contributed for the construction of said canal or waterway.

Section 2503-2.

SECTION 2. It shall be lawful for one hundred or more resident taxpayers and qualified voters of the proper county to petition the court of common pleas of such county setting forth that the construction of a canal or waterway of substantially definite route has been authorized by law, and describing in a general way such a route, and showing that the county of the petitioners is situate on the said route, or is connected therewith by navigable waters, or a railroad, or other highway of commerce as in such petition set forth, and that in the judgment of the petitioners the construction of such canal or waterway will be for the general public benefit of the community of the county of the petitioners, and that it is desirable that the credit of the county be loaned for the purpose of aiding the construction of such canal or waterway in such manner as may be provided by

100 or more persons may petition C. P. court to order election.

law, and so that the same shall remain a public enterprise, and free from the private management, or interest, or possession in any wise of any individual, company, corporation, association or institution, and that for the purpose aforesaid, it is desirable that the county of the petitioners shall issue interest bearing bonds to the amount stated in such petition, and praying the court to order an election to be held in the said county upon the question of the issue of said bonds to the amount and for the purpose stated. The said petition shall be verified by affidavit of at least five of the petitioners, and on presentation thereof, if the same shall appear to be in proper form, it shall be filed, and thereupon the court shall fix a time for the hearing of the same, not more than sixty days thereafter, and direct that notice of the same be given to the county commissioners, and also the public generally by advertisement and publication in one or more newspapers published in said county in such issues thereof as the court may direct. Any person interested, including the county commissioners, may file exceptions to said petition prior to the day fixed for the hearing, and on such hearing, any person in interest may be heard, and the court shall decide upon the truth of any matter set forth in the petition in case the same shall be disputed, save as to the matters set forth upon the judgment of the petitioners as to the public benefit involved and the desirability of the issue of bonds as set forth, which matter shall be deemed to depend upon the result of the election prayed for, and if the court shall find that such petition and proceedings are regular and in conformity with this act, and that the construction of a canal or waterway of substantially definite route has been authorized by authority of law, and that the county is situated on such route, or is connected therewith by navigable waters, or railroad, or other highway of commerce, as set forth, it shall order an election to be held in the county after notice of such election has been given in the manner provided by law for elections of county officers. If the order shall be made more than thirty days and less than ninety days before the next regular election of municipal or state officers, such election shall be held at such regular election; but if not, then a special election shall be ordered to be held after notice, as aforesaid; and the deputy state supervisors of elections shall prepare separate ballots for such election, upon which shall be printed in brief form, a statement of the questions submitted followed by the words "for a bond issue" or "against a bond issue", and shall provide separate boxes to receive the said ballots when voted. The said election shall be held at the regular polling places, and shall be conducted and the vote canvassed and certified in the same manner as provided by law for the election of county commissioners. The expense of the election shall be borne by the county. If the majority of the vote is in favor of a bond issue, then the county commissioners shall prepare and cause to be issued, in due conformity with the

Hearing.

Exceptions.

Order.

When election held.

Expense.

law, the bonds of the county to the amount set forth in the petition, and for the purposes therein set forth; but if a majority of the electors shall vote against a bond issue, the question of a bond issue for such purpose shall not again be submitted to a vote of the electors for a period of less than two years from the date of said election. All the penalties of the election laws for the violation thereof are hereby extended and shall apply to the voters, inspectors, judges and clerks voting at or in attendance upon such election.

Delivery of bonds.

The county commissioners upon the issuing of any bonds in pursuance to the terms of this act, shall deliver them to the proper state or federal authority constructing said canal or waterway, to be realized upon, at not less than par, and the proceeds thereof expended under such authority in the construction of such canal or waterway.

Section 2503-3.

SECTION 3. This act contemplates, among other things, the construction of canals or waterways by means of funds

Act includes funds contributed.

contributed by counties, interested or benefited, whether of this state or in co-operation with the counties of other states or other public authorities. And for the purposes of co-operation and safe-guarding the respective interests of the contributing counties in the proportion of their respective contributions and in respect of the same the respective county commissioners are hereby authorized to enter into

Agreements for protection of funds contributed.

such proper arrangements and agreements with the secretary of war, or any other public authority empowered to act in the premises under any act of congress or act of the general assembly of this or the legislative authority of any other state as may be necessary for such purposes; and also with counties and other public authorities either of this or other states with a view to harmonious and efficient action and proportionate contribution as nearly as may be arrived at or found to be practicable.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 17th, 1911.

This bill was presented to the Governor May 17th, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 16th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

214

[Senate Bill No. 107.]

AN ACT

Making an appropriation in behalf of a celebration commemorating the one hundredth anniversary of the location of the permanent seat of government of the state.

WHEREAS, By joint resolution of the General Assembly, passed March 9, 1909, the governor was authorized to appoint, and in pursuance thereof he did appoint, four commissioners to act in conjunction with four other commissioners appointed by the mayor of the city of Columbus, to investigate and report to the governor with respect to a befitting celebration in the year 1912 of the one hundredth anniversary of the permanent location of the seat of the state government at Columbus; and

WHEREAS, The Columbus centennial commission, in the performance of its duties, has submitted an exhaustive report to the governor, embodying appropriate and practical plans for the proper observance and celebration of said anniversary; and

WHEREAS, The proposed centennial celebration will be one of historic interest and educational value to the people of the entire state, calling attention, as it will, to the marvelous growth, development, and civilization of the commonwealth; and

WHEREAS, In view of the importance of the event, it is the sense of the General Assembly that such centennial celebration should receive substantial and adequate recognition at the hands of the state;

Therefore,

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Columbus centennial celebration.

SECTION 1. That there be and hereby is appropriated from the general revenue fund of the state, out of moneys in the treasury not otherwise appropriated, the sum of twenty-five thousand dollars for the use of the "Columbus Centennial Commission," appointed under the joint resolution adopted March 9, 1909, in preparing and carrying out plans for the celebration, in the year 1912, in the city of Columbus, of the one hundredth anniversary of the permanent location of the seat of government of the state.

SECTION 2. The sum hereby appropriated shall be paid out of the treasury upon the warrant of the auditor of state, on the treasurer, on proper vouchers signed by the president and secretary of the Columbus centennial commission, which vouchers shall contain itemized statements of accounts, properly verified.

SECTION 3. The Columbus centennial commission is hereby authorized to solicit and receive popular subscriptions to carry out the plans and purposes of the commission and to expend the same in pursuance of such plans. An account shall be kept of all moneys so received, which shall be expended upon proper vouchers signed by the president and secretary thereof.

Held in 1912 in conjunction with Ohio state fair.

SECTION 4. Said centennial celebration shall be held during and in conjunction with the Ohio state fair in the year 1912, and the Ohio state board of agriculture is authorized and directed to appoint a general publicity agent who shall devote his entire time to the exploitation of said celebration, and his compensation shall be fixed by the said Ohio state board of agriculture, his duties to commence within six months from and after the passage of this act. The compensation of such general publicity agent shall be paid from the amount herein appropriated and in the manner provided in section 2 hereof.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 15th, 1911.

JUDSON HARMON,
Governor.
215

[Senate Bill No. 58.]

AN ACT

To supplement section 4516 of the general code relating to competitive bidding by banks for the deposits of moneys in control of the trustees of sinking funds of municipal corporations, by the enactment of supplementary section 4516-1.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4516 of the general code be supplemented as follows:

When certain provisions do not apply.

Sec. 4516-1. The provisions of sections 4515 and 4516 of the general code shall not apply where sums held in reserve, by trustees of the sinking fund, are deposited in the city treasury, so as to become part of the general city balance to be deposited in banks as otherwise provided by law.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 15th, 1911.

JUDSON HARMON,
Governor.
216

[Senate Bill No. 279.]

AN ACT

To authorize street and interurban railway companies to borrow money and secure the payment of the same by mortgage.

Be it enacted by the General Assembly of the State of Ohio:

Section 9121-1.

SECTION 1. Corporations organized for the purpose of owning or operating street, interurban or electric railroads may borrow money without regard to the amount of their capital stock, and issue their notes or coupon or registered bonds therefor, bearing any rate of interest authorized by law, and may secure the payment of the same by a mortgage or other instrument in writing upon their real or personal property or both. It shall be sufficient record of such mortgage or instrument, if it be recorded in the office of the recorder of deeds in each county wherein the real or personal property therein described is situated or employed. So recorded, it shall be a good and substantial lien upon all of such property, from the date of its record in each of such counties.

Authority to secure loan by mortgage.

The sectional number on the margin hereof is designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor June 1, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 15th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
217

[Senate Bill No. 44.]

AN ACT

To amend section 2274 of the general code, relative to the binding of certain public documents.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2274 of the general code be amended so as to read as follows:

Sec. 2274. The reports of the secretary of state, auditor of state, attorney general, commissioner of common schools, superintendent of insurance, state railroad commission, state board of agriculture, chief inspector of mines and the commissioner of labor statistics, shall be bound in muslin. The reports of other state officers and boards, and

Binding of reports.

of the benevolent and correctional institutions shall be bound in brochure covers, unless otherwise ordered by the general assembly.

SECTION 2. That section 2274 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 15th, 1911.

JUDSON HARMON,
Governor.
218

[House Bill No. 500.]

AN ACT

To authorize the county commissioners, township trustees and the proper authorities of municipal corporations to improve and repair such portions of the towing path of any canal of the state, the use of which may have been granted by the board of public works.

Be it enacted by the General Assembly of the State of Ohio:

Section 6956-21.

SECTION 1. Whenever the board of public works under authority of any law of this state has granted or hereafter shall grant to any board of county commissioners, township trustees, or to the authorities of any municipal corporation in this state the use of any portion of the towing path of any canal of this state for public travel, such portion of such towing path, the use of which has been so granted shall be and hereby is constituted a public road or highway within the meaning of the sections of the general laws of Ohio providing for the improvement and repair of public roads and highways. Provided, however, that nothing herein shall be construed so as to authorize the abandonment of any portion of the towing path of any such canal; and the board of public works may at any time whenever any such portion of any such towing path shall be needed for canal or other purposes, upon six months' notice, revoke any such grant and order such use of such portion of such towing path to be discontinued.

Grant for public travel, constitutes public highway.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
219

[Senate Bill No. 52.]

AN ACT

To regulate and license the loaning of money upon chattels or personal property of any kind and of purchasing or making loans upon salaries or wage earnings.

Be it enacted by the General Assembly of the State of Ohio:

Section 6346-1. SECTION 1. No person, firm or corporation except banks and building and loan associations shall engage or continue in the business of making loans upon chattels or personal property of any kind whatsoever or of purchasing or making loans upon salaries or wage earnings without first having obtained a license so to do from the secretary of state.

Who may make loans.

License.

Each application shall be accompanied by a bond to the state of Ohio in the penal sum of two thousand dollars ($2,000.00) to the approval of the secretary of state. If any person, shall be aggrieved by the misconduct of any such licensed person, firm or corporation or by his, their or its violation of any law relating to such business, and shall recover a judgment therefor, such person may, after return unsatisfied either in whole or in part of any execution issued upon such judgment, maintain an action in his own name upon such bond herein required in any court having jurisdiction of the amount claimed. The secretary of state shall furnish to any one applying therefor a certified copy of such bond filed with him, upon the payment of a fee of one dollar ($1.00) and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by the parties whose names appears thereon. Said bond shall be renewed and refiled at the time of making application for license, but said bond until renewed and refiled as aforesaid shall be and remain in full force and effect.

Application; bond.

Certified copy.

Renewal.

Section 6346-2. SECTION 2. Applications for license to conduct such business must be made in writing to the secretary of state and shall contain the full names and addresses of applicants, if natural person, and in case of firms or incorporated companies, the full names and addresses of the officers and directors thereof and under what law or laws incorporated, the kind of business which is to be conducted, whether chattel mortgage or salary loan; the place where such business is to be conducted and such other information as the secretary of state may require. The fee to be charged for said license shall be ten dollars ($10.00) per annum and such amount must accompany the application. Each license granted shall date from the first of the month in which it is issued and shall be granted for the period of one year, subject to revocation, as provided in this act, and such license shall be kept conspicuously displayed in the place of business of the licensee.

How application shall be made.

Date and period of time.

Section 6346-3. SECTION 3. Every person, firm or corporation licensed

Borrower's card issued by firm, etc.

as herein provided shall give to each assignor or borrower a card upon which shall be written in ink, or typewritten or printed, the name of the person, firm or corporation making such loan or purchase, the name of the assignor or borrower, the amount of the loan, the amount of interest charged, the amount of expense charged exclusive of interest, and the time for which such charge is made, the date when the loan is made and the date when payable; and shall also give the assignor or borrower a receipt for each payment of principal, interest or any other charge made on the loan, and if any payment consists of principal and interest or any other charge, such receipt shall specify the amount of each.

Section 6346-4.

Assignment of salary or wages.

SECTION 4. No such person, firm or corporation so licensed, shall receive any assignment of salary or wages signed in blank, but all blank spaces shall be filled in with ink or typewritten with the proper names and figures, showing the name of the firm, person or corporation by whom the person making the conveyance or assignment is employed. If the borrower is married the contract, conveyance or assignment shall be void unless it also contain the name of the husband or wife, as the case may be, of the borrower.

Section 6346-5.

Limitation of interest to 8%

SECTION 5. No such person, firm or corporation shall make a loan upon chattels or personal property of any kind whatsoever or purchase, a salary or wage earning of another at a rate of interest or charge in excess of eight per cent. per annum upon the principal sum. In addition to such eight per cent. per annum a reasonable charge may be made for investigation, examination, collection and all other charges of whatsoever kind or description, not to exceed ten per cent. (10%) upon the principal sum, and any contract, conveyance or assignment for the purchase or assignment of any salary or wage earnings and any loan upon chattels or personal property whatsoever shall be void and of no binding effect which provides for or contemplates the payment of any amount or sum in excess of the rates or charges herein provided for or where any provision of section 3 herein has been disregarded or violated. In case any loan or contract of any kind provided for in the preceding sections is not paid when due, an interest of eight per cent. per annum may be charged on such balance due, but no extra charges shall be made for said renewal or extension of said loan or contract, within one year from the date of the loan or any renewal or extension thereof.

Loan void, when.

Renewal or extension.

Section 6346-6.

SECTION 6. Any person, firm or corporation, or any agent, officer, or employe thereof, violating any provision of this act, or that carries on the business of making loans upon chattels or personal property of any kind whatsoever, or of purchasing or making loans upon salaries or wage earnings without first obtaining a license as provided in this act shall, for the first offense, be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00); and for a second offense not less than two hun-

Penalty.

dred dollars ($200.00) nor more than five hundred dollars ($500.00), and it shall thereupon become the duty of the secretary of state upon such second conviction to revoke any license theretofore issued to such person, firm or corporation.

Section 6346-7. SECTION 7. When the rate is usurious, payments of money or property made by way of interest, whether made in advance or not, shall be deemed and taken to be payments made on account of principal, or may be recovered in an action before a court of competent jurisdiction, and no judgment shall be rendered against the borrower in excess of the amount of the principal borrowed, still due. Usurious interest.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
220

[Senate Bill No. 283.]

AN ACT

To increase, by one, the number of common pleas judicial districts, by establishing the eleventh district, to change the fourth common pleas judicial district, to change the first and third subdivisions of the fourth judicial district and to designate the judges of the court of common pleas of the eleventh judicial district hereby created.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That from the taking effect of this act, the county of Cuyahoga shall be the eleventh common pleas judicial district. 11th district.

SECTION 2. That from the taking effect of this act the counties of Lucas, Ottawa, Sandusky, Erie, Huron, Lorain, Medina and Summit shall be the fourth common pleas judicial district. The counties of Ottawa, Sandusky, Erie and Huron shall constitute the first subdivision; the counties of Lorain, Medina and Summit the second subdivision; and the county of Lucas the third subdivision of the fourth judicial district as hereby created. 4th district. 1st subdivision. 2nd subdivision. 3rd subdivision.

SECTION 3. The judges of the court of common pleas in office when this act takes effect and residing in the eleventh judicial district as hereby created, shall, from the taking effect of this act, until the expiration of their terms respectively, be the judges of the court of common pleas in the eleventh common pleas judicial district as hereby created, and successors shall be elected to said judgeships according to law, by the electors of the eleventh common Judges and their election.

pleas judicial district as hereby created; and as vacancies occur in said judgeships, the same shall be filled as provided by law.

Successors

SECTION 4. Successors to all the judgeships now existing in the fourth judicial district as hereby created shall be elected, according to law, by the electors of the several subdivisions, respectively, of said district as hereby created; and as vacancies occur in said judgeships, the same shall be filled as provided by law.

SECTION 5. All acts and parts of acts inconsistent with the provisions of this act, insofar as they are so inconsistent, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after the first day of June, A. D. 1911.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor on June 3rd, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17th, 1911.

JOHN W. DEVANNEY,
Veto Clerk

22

[House Bill No. 627.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated:

PUBLIC SERVICE COMMISSION OF OHIO.

Salaries, expenses, uses and purposes of the commission, in accordance with the provisions of Substitute House Bill No. 325, 79th General Assembly..... $75,000 00

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein

it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
222

[House Bill No. 363.]

AN ACT

To amend section 7525 of the General Code, relating to the assessing and levying of a tax for the repair or preservation of the national road and to repeal sections 7527, 7528, 7529, 7530 and 7531 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7525 of the General Code be amended as follows:

Sec. 7525. The county commissioners shall assess and levy a tax on the general tax duplicate of the county for the repair and preservation of the national road not to exceed the levy provided by law for the repair and preservation of county and state roads. Levy for national road.

SECTION 2. That said original sections 7525, 7527, 7528, 7529, 7530 and 7531 of the General Code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
223

[House Bill No. 407.]

AN ACT

To supplement section 1416 of the General Code, by an additional section to be known as section 1416-1 relating to the protection of foxes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1416 of the General Code be supplemented by an additional section to be known as section 1416-1 to read as follows:

Foxes.

Sec. 1416-1. No person shall catch, kill or injure, any fox from the first day of December to the first day of the following September both inclusive.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
224

[House Bill No. 621.]

AN ACT

To amend section 2180 of the General Code, relating to chaplains of the Ohio penitentiary.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2180 of the General Code be amended to read as follows:

Employes of Ohio penitentiary and salaries.

Sec. 2180. There shall be appointed an assistant clerk at an annual salary not to exceed one thousand and eighty dollars, a chaplain, who shall act as librarian, at a salary not to exceed fifteen hundred dollars a year, a physician, a superintendent of schools who shall be accredited as a guard, a superintendent of construction at a salary not to exceed thirteen hundred and twenty dollars a year, a superintendent of gas and electric light at a salary not to exceed thirteen hundred and twenty dollars a year, a captain of night watch at a salary not to exceed twelve hundred dollars a year, a superintendent of subsistence at a salary not to exceed eleven hundred and twenty dollars a year, and a stenographer at a salary not to exceed sixty dollars per month.

SECTION 2. That said original section 2180 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein

it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
225

[House Bill No. 118.]

AN ACT

To amend section 11188 of the General Code, relating to the issuing of marriage licenses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11188 of the General Code be amended to read as follows:

Sec. 11188. Each of the persons, for whom a marriage license is sought, shall personally appear in the probate court of the proper county and make application therefor, and shall state upon their oaths the name, age, residence, place of birth, occupation, father's name, if known, and the mother's maiden name, of each of the parties to such contemplated marriage, and also state the number of times either party has been previously married. In case the bride is a widow, or a divorced woman, her married name also must be stated, and in addition the name of the person who is expected to solemnize the marriage, and if the judge is satisfied that there is no legal impediment thereto, he shall grant such marriage license. Provided, that if the judge shall be satisfied from the affidavit of a reputable physician in active practice and residing in said county, that either of said parties is unable to appear in probate court, by reason of illness or other physical disability, then a marriage license may be granted upon the application and oath as aforesaid, of one of the parties to said contemplated marriage; but in such case the person unable to appear in court by reason of such illness or other physical disability shall make and file in said probate court, an affidavit setting forth the information required herein of applicants for a marriage license.

Marriage licenses, how obtained.

SECTION 2. That said original section 11188 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, ex-

clusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
226

[House Bill No. 78.]

AN ACT

To amend section 4534 of the General Code providing for the jurisdiction of mayor's courts in felonies and other criminal proceedings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4534 of the General Code be amended to read as follows:

Sec. 4534. In felonies, and other criminal proceedings not herein provided for, such mayor shall have jurisdiction and power, throughout the county, concurrent with justices of the peace. The chief of police shall execute and return all writs and process to him directed by the mayor, and shall by himself or deputy attend on the sittings of such court, to execute the orders and process thereof and to preserve order therein, and his jurisdiction and that of his deputies in the execution of such writs and process, and in criminal cases, and in cases of violations of ordinances of the corporation, shall be co-extensive with the county, and in civil cases shall be co-extensive with the jurisdiction of the mayor therein. The fees of the mayor in all cases, excepting those arising out of violation of ordinances, shall be the same as those allowed justices of the peace for similar services and the fees of the chief of police or his deputies in all cases, excepting those arising out of violations of ordinances shall be the same as those allowed sheriffs and constables in similar cases.

Concurrent jurisdiction of mayors with justices in criminal proceedings.

Fees.

SECTION 2. That said original section 4534 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
227

[House Bill No. 604.]

AN ACT

To amend the act of March 22, 1906, entitled "An act to fix the terms of the judges of the common pleas court in the third subdivision of the fourth judicial district to conform to the constitutional provisions relating to biennial elections and to create an additional judge therein."

Be it enacted by the General Assembly of the State of Ohio:

Number and term of judges, 3rd Sub-Div., 4th Dist.

SECTION 1. That section 1 of an act entitled "An act to fix the terms of office of the judges of the common pleas court in the third subdivision of the fourth judicial district to conform to the constitutional provisions relating to bien nial elections and to create an additional judge therein," passed March 22, 1906, be amended to read as follows:

Sec. 1. There shall be four judges of the common pleas court for the third subdivision of the fourth judicial district chosen by the electors of such subdivision on the third Tuesday after the first Monday in November in the year 1908, three judges in the year 1910, five judges in the year 1912, and four judges in each even numbered year thereafter, for a term of six years, commencing on the first day of January next after their election.

SECTION 2. That said original section 1 of the act of March 22, 1906, be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
228

[Senate Bill No. 25.]

AN ACT

Establishing the liability to be charged by insurance companies in the annual report of such company to the commissioner of insurance for outstanding losses under insurance against loss or damage resulting from accident to or injuries suffered by an employe or other person and for which the insured is liable, and under insurance against loss from liability on account of the death of or injury to an employe not caused by the negligence of the employer.

Be it enacted by the General Assembly of the State of Ohio:

Section 9591-1. SECTION 1. The indebtedness for outstanding losses under insurance against loss or damage resulting from ac-

cident to or injuries suffered by an employe or other person and for which the insured is liable, and under insurance against loss from liability on account of the death of or injury to an employe not caused by the negligence of the employer, shall be determined as follows: Each corporation which writes policies covering any of said kinds of insurance shall include in the annual statement required by law a schedule of its experiences thereunder, in the United States and foreign countries in the case of corporations organized in the United States, and in the United States only in the case of corporations organized outside of the United States, giving each calendar year's experience separately, and crediting or charging each item to the year in which the policy to which it relates was written, as follows: (1) the earned premiums on all such policies written during the period of ten years immediately preceding the date as of which the statement is made, being the gross premiums on all such policies including excess and additional premiums and premiums in course of collection, less return premiums and premiums on cancelled policies, and less the unearned premiums on policies in force as shown in such annual statement; (2) the amount of all payments of whatsoever nature made by reason or on account of injuries covered by such policies written during said period. This amount shall include medical and surgical attendance, payments to claimants, legal expenses, salaries and expenses of investigators, adjusters, and field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employes, home office expenses, and all other payments made on account of such injuries, whether such payments are allocated to specific claims or are unallocated; (3) the number of suits being defended at the date as of which the statement is made under policies written during said period, except suits in which liability is not dependent upon negligence of the insured, and a charge of seven hundred and fifty dollars for each suit; (4) the number of deaths for which the insured are liable without proof of negligence, covered by policies written during said period, and not paid for at the date as of which the statement is made and a charge of the amount necessary to pay for such deaths; (5) the number of unpaid claims at the date as of which the statement is made on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written during said period, and a charge equal to the present value of the estimated future payments; (6) the loss ratio determined from the foregoing as to each year separately, using as the divisor the earned premiums shown in item (1) and as the dividend the amount of payments shown in item (2) plus the amounts charged in items (3), (4), and (5); (7) the number of suits being defended at the date as of which the statement is made under policies written more than ten years prior to such date, except suits in

Annual statement must contain a schedule of its experience as to liabilities.

How determined.

which liability is not dependent upon negligence of the insured; (8) the number of deaths for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to the date as of which the statement is made, and not paid for at such date; (9) the number of unpaid claims at the date as of which the statement is made on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to such date.

Section 9591-2. SECTION 2. All unallocated payments in item (2) section 1 made in a given calendar year subsequent to the first four years in which a corporation has been issuing such policies shall be distributed as follows: thirty-five per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, ten per centum to the policies written in the second year preceding, ten per centum to the policies written in the third year preceding and five per centum to the policies written in the fourth year preceding; and such payments made in the first four calendar years in which a corporation has been issuing such policies shall be distributed as follows: in the first calendar year one hundred per centum shall be charged to the policies written in that year; in the second calendar year fifty per centum shall be charged to the policies written in that year and fifty per centum to the policies written in the preceding year; in the third calendar year forty per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year and twenty per centum to the policies written in the second year preceding; and in the fourth calendar year thirty-five per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, fifteen per centum to the policies written in the second year preceding and ten per centum to the policies written in the third year preceding, and a schedule showing such distribution shall be included in such annual statement.

Distribution of unallocated payments.

Section 9591-3 SECTION 3. Each such corporation shall be charged with indebtedness for outstanding losses upon such policies determined as follows: (10) for all suits being defended under policies written more than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, one thousand dollars for each suit; (11) for all suits being defended under policies written more than five years and less than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, seven hundred and fifty dollars for each suit; (12) for all deaths for which the insured are liable without proof of negligence, covered by policies written more than five years prior to the date as of which the statement is made, the amount necessary

Indebtedness for outstanding losses charged and how same to be determined.

to pay for such deaths; (13) for all unpaid claims on account of non-fatal injuries for which the insured are liable without proof of negligence under policies written more than five years prior to the date as of which the statement is made, the present value of the estimated future payments; (14) for the policies written in the five years immediately preceding the date as of which the statement is made an amount determined as follows: multiply the earned premiums of each such five years as shown in item (1) by the loss ratio ascertained as in item (6) on all the policies written in the first five years of the said ten-year period, using as the divisor the sum of the earned premiums shown in item (1) for such first five years, and as the dividend the sum of the payments shown in item (2) for such first five years plus the sum of the charges in items (3), (4) and (5) for such first five years; but the ratio to be used shall in no event be less than fifty per centum at and after December thirty-first, nineteen hundred and eleven, nor less than fifty-one per centum at and after December thirty-first, nineteen hundred and twelve, nor less than fifty-two per centum at and after December thirty-first, nineteen hundred and thirteen, nor less than fifty-three per centum at and after December thirty-first, nineteen hundred and fourteen, nor less than fifty-four per centum at and after December thirty-first, nineteen hundred and fifteen, nor less than fifty-five per centum at and after December thirty-first, nineteen hundred and sixteen; and from the amount so ascertained in each of the last five years of said ten-year period deduct all payments made under policies written in the corresponding year as shown in item (2), and the remainder in the case of each year shall be deemed the indebtedness for that year; provided, however, that if the remainder in the case of any year of the first three years of the five years immediately preceding the date as of which the statement is made shall be less than the sum of the three following items for that year at that date—(a) the number of suits, except suits in which liability is not dependent upon negligence of the insured, being defended under policies written in that year, and a charge of seven hundred and fifty dollars of each suit; (b) the amount necessary to pay for all deaths for which the insured are liable without proof of negligence, covered by policies written in that year; and (c) the present value of estimated unpaid claims on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written in that year,—then the sum of said items (a), (b) and (c) shall be the indebtedness for that year.

Section 9591-4. What corporations included.

SECTION 4. A corporation which has been issuing such policies for a period of less than ten years shall nevertheless include in its annual statement a schedule as hereinbefore required for the years in which it shall have issued such policies, and shall be charged with an indebtedness

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

determined in the same manner; but in determining the indebtedness for policies written in the five years immediately preceding the date as of which the statement is made, the minimum ratios hereinbefore prescribed shall be used, subject to the same deductions and provisions as in the case of corporations that have been issuing such policies for ten years or more.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.
229

[House Bill No. 352.]

AN ACT

To provide for the payment of a certain sum to Miss Hattie Vermilyea, Washington township, Lucas county, Ohio, as compensation for her services as a teacher and janitress.

WHEREAS, Hattie Vermilyea, at the request of the board of education of Washington township, Lucas county, Ohio, and under a contract duly entered into, has taught such school during the months of February, March, April, May, June and September, 1910, without having received a certificate so to do, on account of sickness at that time, and

WHEREAS, Miss Hattie Vermilyea at the request of such board rendered janitor services during the months of February, March, April, May and June, 1910, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education in school district No. 9 of Washington township, Lucas county, Ohio, be and they are hereby authorized to pay Hattie Vermilyea out of the tuition fund under their control and not otherwise appropriated, the sum of three hundred and forty-five ($345.00) dollars being the sum due her for six months at $55.00 per month and also due her for five months janitor services at $3.00 per month.

Authority to pay Hattie Vermilyea.

SECTION 2. Upon the order of the board of education of such township, the clerk of such board is hereby authorized to issue his warrants, and the treasurer of such board is hereby authorized to pay such warrant in favor of such Hattie Vermilyea out of the tuition fund under the control

of such board of such township and not otherwise appropriated.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

230

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 295.]

AN ACT

Authorizing the board of county commissioners of the several counties of the state to provide for the construction of sewers outside of the municipalities and to provide for the payment of the cost and expense thereof.

Be it enacted by the General Assembly of the State of Ohio:

Section 6602-1.

Sewers outside of municipalities. Name, number, outlet.

SECTION 1. The board of county commissioners of any county in this state, by resolution, may lay out and establish one or more sewer districts within that portion of their respective counties, that lie within three miles of an incorporated city. Each of said districts shall be designated by name and number and shall consist of one or more main sewers with the necessary branch or connecting sewers, and such main sewers shall have an outlet into a river, purification plant or other proper place.

Section 6602-2.

How necessity determined.

SECTION 2. Whenever the state board of health shall declare it necessary to construct a main or district sewer or whenever the board of county commissioners of the county shall declare by unanimous vote the necessity of constructing a main or district sewer or when a petition signed by the freeholders of a majority of the acreage in said district petition the county commissioners for the construction within said district of a main or district sewer, or when a written petition signed by the owners of a majority of the foot frontage of the proposed local or lateral sewer, petition the board of county commissioners for the construction within said district of a local sewer, then the county commissioners may have prepared the necessary

plans and specifications of said proposed sewer and as soon thereafter as possible, the board of county commissioners may declare, by resolution, the necessity for making such improvement. Said resolution, in addition to declaring the necessity for said improvement, shall contain a statement showing whether said sewer is intended to be main or lateral sewer, the location thereof, the character of materials to be used, a reference to the plans and specifications, the place, where the same are on file, the mode of payment of the cost and expense of the construction of said sewer and a pertinent description of the lots or parcels of land and other property within said district to be assessed for the payment of a part or the whole of such cost and expense. Before the adoption of the resolution provided for in the next succeeding section hereof, said board of county commissioners shall cause a copy of the resolution provided for under this section to be served upon each of the owners of said lots or parcels of land or other property to be so assessed, who may be residents of the county or found therein, if any of said owners are not residents of said county and are not found therein, a notice of the passage of said resolution shall be published at least twice in some newspaper of general circulation within the county. Due proof of such personal service or such publication shall be made by affidavit, to be filed with said commissioners.

Statement as to main or lateral sewer, etc.

Service of copy of resolution on owners.

Section 6602-3. SECTION 3. At the expiration of ten days from the time of the serving of said resolution upon said owners, whether such service be personal or by publication, said board shall determine whether to proceed with the proposed improvement, and if it decides to proceed therewith, a resolution for that purpose, to be known as the improvement resolution, shall be passed. Said improvement resolution shall contain a statement of the district or part thereof proposed to be so improved, the character of materials to be used, a reference to the plans and specifications and mode of payment of the cost and expense thereof, and said improvement resolution may provide for assessing any or all of the cost and expense of the improvement upon the lots, lands and other real property in such district as may be specially benefited thereby, provided that in the case of a main sewer the property immediately abutting thereon may be assessed for local drainage and the balance of the cost and expense of such improvement may be assessed upon all of the property within said district proportionately and in accordance with the special benefits conferred. In the case of a lateral sewer the entire cost and expense thereof may be assessed upon the lands immediately abutting thereon proportionately, but in no event shall any piece or parcel of land or other real property be assessed in excess of the special benefits conferred.

Determination by board.

What improvement resolution shall contain.

Apportionment of assessments.

Section 6602-4. SECTION 4. After the adoption of said improvement resolution, the board of county commissioners shall make a written contract with the lowest and best bidder for the

Contract.

construction of said improvement, after advertisement of not less than two weeks nor more than four consecutive weeks in a newspaper of general circulation within said county.

Bids.

The bids shall be opened at twelve o'clock noon, on the last day for the filing of the same, by said board of county commissioners, and publicly read. Each bid shall contain the full name of every person or company interested in the same, and shall be accompanied by sufficient bond or certified check on some solvent bank within the county, that if the bid is accepted the contract will be entered into and its performance properly secured. In each bid the labor and material shall be separately stated, with the prices therefor.

Said board may reject any and all bids. The contract shall be between the board of county commissioners and the bidder and the board shall pay the contract price in cash.

Collusion.

When there is reason to believe that there is collusion or combination among the bidders, the bids of those concerned therein shall be rejected. Whenever it becomes necessary, in the opinion of said board, in the prosecution of any such work or improvement, to make alterations or modifications in such contract, such resolutions or modifications shall only be made by such board by resolution and such resolution shall be of no effect until the prices to be paid for work or material or both in the altered or modified contract have been agreed upon in writing, and signed by the contractor and said board and no contractor for any such work shall be allowed to recover anything for either work or material caused or required by any alteration or modification unless such contract is made as aforesaid, nor shall he in any event be allowed to recover for such work and material or either more than the agreed price.

Alterations by resolution and agreement.

Section 6602-5.

SECTION 5. The board of county commissioners may, if they deem expedient, assess, by resolution, the property as provided in the improvement resolution and cause such assessment to be collected before the letting of said contract, or it may, at is option, delay the making of such assessment until the work is completed, and then upon the certificate of the sanitary engineer in charge showing the completion of the work, assess by resolution the real estate as provided in the improvement resolution, and issue bonds in anticipation of the collection of such assessment. Said board shall have power to determine that such assessment may be made payable in annual installments not exceeding five in number. Said bonds shall be signed, issued and sold as other county bonds are signed, issued and sold, and shall run for a period or periods not exceeding six years from their date, and shall not bear a greater rate of interest than six per cent.; said bonds shall express upon their face the object for which they were issued, and shall be sold for not less than par and accrued interest.

Assessment and collection.

Any person whose property shall be so assessed shall have the option of paying his portion of the assessment, in cash, within a period of thirty days from the date of the levy thereof. Option of payment.

Section 6602-6. SECTION 6. For the purpose of paying a part or the whole of the cost and expense of the construction of any such sewer, the board of county commissioners may borrow money at a rate of interest not exceeding six per cent., per annum, on certificate of indebtedness, to be signed by its president and clerk and may levy a tax in addition to the amount otherwise authorized, upon all property in the county appearing upon the tax duplicate, for the purpose of discharging and paying such certificates of indebtedness. Such certificates of indebtedness shall be made payable at a time not more than five years from their date. Borrow money.

Section 6602-7. SECTION 7. In cases where it is determined to assess the whole or any part of the cost of such improvement in proportion to the benefits which may result therefrom, as provided for herein, the clerk of the board of county commissioners shall prepare and present to the board an estimated assessment of such cost, on the lots and other real property to be charged therewith, in proportion, as nearly as may be, to the benefits which may result from the improvement to the several lots or other parcels of real estate or other property so assessed, a copy of which proposed or estimated assessment shall remain in the office of the clerk of said board for a period of thirty days before being confirmed by said board, and due notice shall be given of the pendency of said proposed assessment by publication for two consecutive weeks in some newspaper of general circulation within the county. After the expiration of said thirty days the board of county commissioners shall, by resolution, duly levy said assessment after correcting same, if it shall deem such correction necessary. Estimated assessment on properties. Copy filed with clerk.

On or before the second Monday in September, annually the board of county commissioners shall certify all of said assessment to the county auditor, stating the amounts of the time of payment, and in accordance therewith the county auditor shall place the same upon the tax duplicate and the county treasurer shall collect the assessments in the same manner as other taxes are collected, and when collected, shall be applied to the payment of such bonds and for no other purposes, in the event that bonds have been issued in anticipation of the collection of such assessments. All moneys, received from such tax levies, the sale of any of such bonds, or so borrowed on such certificates of indebtedness shall be placed in a fund to be designated as "District (lateral) Sewer No. ..... Fund" (Filling in the blank with the number of the sewer district as previously determined by said board). All moneys to be paid out of such fund shall be paid on the order of the board of county commissioners. Assessments certified to county auditor. Designation as to fund.

Section 6602-8. Assessment may include, what.

SECTION 8. The assessment herein provided for may include the amount of money paid or to be paid to the contractor in the discharge of his contract, the cost of publication of all resolutions or notices, the cost of serving copies of such resolution declaring the necessity for the construction of such improvement, the cost of inspection, interest on bonds issued in anticipation of the collection of said assessments, and the cost of making said assessments, as well as any money paid for the purchase of land or right of way for any such sewer.

Section 6602-9. Condemnation proceeding.

SECTION 9. Said board of county commissioners may declare, by resolution, the necessity of its intention of acquiring by condemnation, the right to construct and maintain a sewer in and upon any private property within such district, which resolution shall contain a pertinent description of the property rights or interest to be appropriated, and in said resolution said board of county commissioners shall direct the prosecuting attorney of the county, in the name of said board of county commissioners, to institute proceedings in the probate court of said county for the purpose of having determined the compensation to which the owners of said premises, interests or rights may be entitled by reason of said condemnation, copy of which resolution shall be served upon each and every of the owners of the lands or rights intended to be so acquired who may be residents of or found within such county. In case any such owner cannot be found within said county, notice of the passage of the resolution in this paragraph shall be given by publication once a week for two consecutive weeks in a newspaper of general circulation within the county. Proof of the service of a copy of such resolution, whether such service be personal or by publication, shall be made by affidavit to be duly filed with said board of county commissioners.

Proof of service.

After the expiration of ten days from the time of the service of a copy of such resolution as last herein provided, whether such service be personal or by publication, the prosecuting attorney of the county shall make written application to the probate court for the impaneling of a jury to make such awards to the owners of said property, interests and rights to be so condemned. Upon and after the filing of said application, the procedure in such case shall be such as is provided by law for the assessment of compensation to persons whose property has been condemned by municipal corporations and all awards so made by a jury in such proceedings shall be paid in the manner and at the times provided for in the case of the condemnation of private property by municipal corporations.

Trial by jury.

The county commissioners may use a competent sanitary engineer to prepare the necessary plans and specifications for the sewers and districts herein provided for. Said engineer may also be employed in superintending the work of constructing the sewer improvements made under this

The sectional numbers on the margain hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

act and the person so employed shall be compensated not to exceed $10.00 a day and expenses for each day actually employed in such services.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 8th, 1911.

JUDSON HARMON,
Governor.

231

[House Bill No. 513.]

AN ACT

To amend section 6255 of the General Code, relating to sufficient publication of legal notice or advertisement.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6255 of the General Code be amended to read as follows:

Sec. 6255. For sufficient publication of a notice or advertisement, required by law to be published for a definite period, at least one side of the newspaper in which such publication is made shall be printed in the county or municipal corporation in which such notice or advertisement is required to be published.

Sufficient publication of legal notice, defined.

SECTION 2. That said original section 6255 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

232

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 11.]

AN ACT

To amend sections 1008, 1009, 1010 and 1011 of the general code, relating to the preservation of the health of female employes employed in manufacturing, mechanical, mercantile and other establishments.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1008, 1009, 1010 and 1011 of the general code, be amended so as to read as follows:

Sec. 1008. Every person, partnership or corporation employing females in any factory, workshop, business office, telephone or telegraph office, restaurant, bakery, millinery or dressmaking establishment, mercantile or other establishments shall provide a suitable seat for the use of each female so employed, and shall permit the use of such seats when such female employes are not necessarily engaged in the active duties for which they are employed and when the use thereof will not actually and necessarily interfere with the proper discharge of the duties of such employes, such seat to be constructed, where practicable, with an automatic back support and so adjusted as to be a fixture but not obstruct employes in the performance of duty, and shall further provide a suitable lunch room, separate and apart from the work room, and in establishments where lunch rooms are provided, female employes shall be entitled to no less than thirty minutes for meal time; provided, that in any establishment aforesaid in which it is found impracticable to provide a suitable lunch room, as aforesaid, female employes shall be entitled to no less than one hour for meal time during which hour they shall be permitted to leave the establishment. Females over eighteen years of age shall not be employed or permitted or suffered to work in or in connection with any factory, workshop, telephone or telegraph office, millinery, or dressmaking establishment, restaurant or in the distributing or transmission of messages more than ten hours in any one day, or more than fifty-four hours in any one week, but meal time shall not be included as a part of the work hours of the week or day, provided, however, that no restriction as to the hours of labor shall apply to canneries or establishments engaged in preparing for use perishable goods.

Providing seats for employed females.

Separate lunch room.

Work hours limited to 10 per day and 54 per week.

Sec. 1009. The owner or person having charge of the building wherein any female is employed shall provide in each establishment on the same floor or the floor immediately above or immediately below the floor where such employe works, suitable and separate toilet and dressing rooms and water-closets, properly ventilated, for the exclusive use of such employes. Such toilet and dressing rooms and water-closets shall be situated together, with one water-closet for every twenty-five females or less, and where there are more than twenty-five females employed, additional water-closets

Providing toilets, dressing rooms, etc.

shall be provided in the same ratio; no toilet or dressing room or water-closet shall be placed in the basement or cellar unless females are actually and regularly employed therein, and unless such basement or cellar is properly ventilated.

Sec. 1010. In cities, towns and villages not provided with water works and sewerage, closets in the same ratio as above mentioned in section 1009 shall be placed on the outside of such building, at a distance not to exceed fifty and not less than twenty feet from such building, with suitable and separate toilet and dressing rooms in such building, or such building may be provided with a dry closet system at the same ratio provided in section 1009, all closets to be supplied with disinfectants and kept in good sanitary condition at all times.

Closets in towns without sewerage.

Sec. 1011. Any person, partnership or corporation or agent thereof, who shall violate any of the provisions of this act, shall upon conviction be fined not less than twenty-five dollars, nor more than two hundred dollars. It shall be the duty of the chief inspector of workshops and factories to see that the provisions of this act are enforced, and in all prosecutions brought by or under the direction of the chief inspector for the violation of this act, the complainant shall not be held to give security for costs or adjudged to pay any costs, but in all cases where the accused is acquitted, the costs shall be paid out of the county treasury of the county in which proceedings have been brought; any justice of the peace, police judge or mayor of any city or village shall have the same jurisdiction provided in sections 13423, 13432, 13433, 13434, 13435, 13436, 13437, 13438 and 13439 of the general code in all cases of prosecution for the violation of any of the provisions of this act.

Penalty.

Enforcement.

SECTION 2. That said original sections 1008, 1009, 1010 and 1011 of the general code be and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

233

This bill was presented to the Governor on June 3, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 213.]

AN ACT

To abandon the Hocking canal, and to provide for the selling and leasing of all lands connected therewith, and to repeal certain acts relating thereto.

Be it enacted by the General Assembly of the State of Ohio:

Abandonment of Hocking Canal.

SECTION 1. That the portion of the Hocking canal, including the full width thereof between its junction with the Ohio canal in the village of Carroll, Fairfield county, Ohio, and the lower end of the lower canal lock in the city of Nelsonville, Athens county, Ohio, be and the same is hereby abandoned for canal purposes.

Survey, maps and plats.

SECTION 2. That the state board of public works and the chief engineer of the public works, acting jointly, shall cause such surveys to be made of said canal property as in their judgment is necessary for the purpose of carrying out the provisions of this act, together with such maps and plats of the same as will facilitate the selling or leasing of said canal lands, which plats shall be preserved as permanent records in the office of the state board of public works.

Appraisement, lease and sale.

SECTION 3. As soon as such surveys and plats have been completed, the state board of public works and the chief engineer of the public works, acting as a joint board, shall proceed to appraise, and lease or sell, as they may deem for the best interest of the state, subject to the approval of the governor and attorney general, said canal lands in strict conformity with the various provisions of the statutes of Ohio relating to the leasing and selling of state canal lands, except that the grant of such leases shall be for a term of not less than fifteen nor more than twenty-five years, and that the bed and banks of said abandoned canal property may be included in any lease of such canal lands.

If a sale is agreed upon, it shall be made as follows:

How sale shall be made.

SECTION 3-a. The board of public works and canal commission of the state of Ohio, acting jointly may at their option make an appraisement of all the aforesaid abandoned property in divisions of sections of such length or amounts and appraise separately and as a whole, as in their opinion will best suit the convenience of purchasers and facilitate the sale thereof, to the best advantage and for the highest price for the state. They shall make a complete report in writing in which they shall itemize each division and as a whole with its value as appraised by them, which shall be returned to the auditor of state within thirty days from the date of said appraisement.

Report of appraisement in writing.

Filing of appraisement and advertisement for sale.

SECTION 3-b. The auditor of state shall receive and file the said appraisement, and the said joint board shall forthwith proceed to advertise the aforesaid abandoned

canal property for sale by giving notice of the time, place and terms thereof for three consecutive months in two newspapers of opposite politics published and having a general circulation in said county; and upon the day and hour named in such advertisement said joint board shall offer the same for sale at public auction at the court house in Hocking, and Fairfield and Athens counties and then and there sell the same to the highest and best bidder or bidders; provided the same or any part thereof shall not be sold for less than three-fourths of the appraised value thereof, and that if all or any part of said property remains unsold for want of bidder the joint board shall again advertise and sell the claims as aforesaid. And if any of said property remains unsold after having been twice offered for sale the same shall be appraised agreeably to section 3-a of this act, and again offered for sale as above provided, the state reserving the right to reject any or all bids.

Right to remove bridges and make grade.

SECTION 4. The county commissioners of any county, likewise the council of any municipality, through which said abandoned canal passes, shall have the right to remove all existing bridges crossing any portion of said abandoned canal over which public highways or the streets of any municipality pass, and to grade such highways and streets by filling and grading across the channel and banks thereof, but must provide for all necessary drainage underneath the same; there is, however, reserved to the state of Ohio, its lessees, grantees, and their assigns, an unobstructed right-of-way, for any and all purposes across the land occupied by the highways and streets extending across said abandoned canal, as provided for above.

Verified account of expense and payment.

SECTION 5. All accounts of expenses, incident to surveying, platting and monumenting said abandoned canal lands, together with the necessary expenses of advertising, selling or leasing the same, shall be verified and approved by the chief engineer and the board of public works, and paid out of the canal funds, or other funds provided for the survey of canal lands, and the auditor of state is hereby directed to credit back to the fund or funds from which such payments are made, a like amount in any sum not to exceed five thousand ($5,000.00) dollars from the receipts derived from the sales and leases of said lands.

Existing rights remain.

SECTION 6. Nothing in this act shall interfere with any leases, rights or privileges heretofore granted by the state of Ohio and in force at the date of approval of this act.

SECTION 7. That the act entitled, "An act to provide for the abandonment of the Hocking canal for canal purposes, and for leasing the same to the Columbus, Hocking Valley and Athens railroad company," passed May 18, 1894 (Vol. 91, O. L. page 327), also an act entitled, "An act to amend sections 2 and 6 of an act entitled, 'An act to provide for the abandonment of the Hocking Valley and Athens

railroad company,' " passed May 18, 1894 (91 O. L. 327), as amended April 23, 1898 (93 O. L. page 216), and as amended April 16, 1900 (94 O. L. page 236), be and the same are hereby repealed.

Repeals.

S. J. VINING,
Speaker of the Houseof Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

234

This bill was presented to the Governor on June 3rd, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17th, 1911.

[House Bill No. 557.]

AN ACT

To provide for the relief of Ferd. C. Holbrock.

WHEREAS, On the 3d day of January, 1908, the council of the city of Hamilton, Butler county, Ohio, attempted by the passage of a certain resolution to disqualify Ferd. C. Holbrock of said city of Hamilton, Ohio, from holding any office of trust or profit in said city for the reason that during the years 1906 and 1907 while said Ferd. C. Holbrock was a member of the council of the city of Hamilton, Ohio, he accepted orders from the board of public service, of said city, delivered certain merchandise thereon and received pay for the same; and

WHEREAS, Said acts of said Ferd. C. Holbrock were done by him inadvertently and without his knowing that such conduct was improper or that he was violating a provision of the statute of Ohio, and

WHEREAS, Said Ferd. C. Holbrock is of good moral character.

Be it enacted by the General Assembly of the State of Ohio:

Relief of Ferd C. Holbrock.

SECTION 1. That said Ferd. C. Holbrock, of Hamilton, Butler county, Ohio, be, and he is hereby, restored to the privilege of holding any office of trust or profit in the city of Hamilton, Ohio, to which he may be elected or appointed; and that he be, and he is hereby, restored to all rights

and privileges from which he is, or may have been deprived by any action of the council of the city of Hamilton, Butler county, Ohio.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

235

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State, June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 178.]

AN ACT

To authorize the board of county commissioners of Montgomery county, Ohio, to pay M. J. Gibbons for materials furnished and services rendered.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Montgomery county, Ohio, be and they are hereby authorized and instructed to pay to M. J. Gibbons out of the infirmary fund of said county, the sum of twenty-one hundred and twenty-six ($2,126.00) dollars, being the sum due him for material furnished and services rendered in installing a heating system in the infirmary building of said county, in the year 1908.

Payment to M. J. Gibbons authorized.

SECTION 2. Upon the order of the board of county commissioners of said county, the auditor of said county is hereby authorized and instructed to issue his warrant, and the treasurer of said county is hereby authorized and directed to pay said warrant in favor of said M. J. Gibbons, out of the infirmary fund of said county.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

236

This bill was presented to the Governor on June 3, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, ex-

clusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[House Bill No. 248.]

AN ACT

Providing for the inspection of steam boilers.

Be it enacted by the General Assembly of the State of Ohio:

Section 1058-6.

Board of boiler rules.

Vacancies.

SECTION 1. There is hereby established, in the office of the chief examiner of steam engineers, a department to be known as the board of boiler rules, to consist of the chief examiner of steam engineers, who shall be chairman of the board, and four members to be appointed by the governor, with the advice and consent of the senate, within thirty days after the passage of this act, one member to be appointed for the term of one year, one member for two years, one member for three years, and one member for four years, and, as their terms expire, the governor shall appoint a member for four years. Vacancies shall be filled by appointment by the governor for the unexpired term. One of the persons so appointed shall be an employe of the boiler using interests; one shall be an employe of the boiler manufacturing interests; one shall be an employe of the boiler insurance interests; and one shall be an operating engineer; or the governor, if he deems the same advisable, may make such appointments from any class of citizens.

Section 1058-7.

Equipped with approved safety devices.

SECTION 2. On and after January 1, 1912, all steam boilers and their appurtenances, except boilers of railroad locomotives, portable boilers used in pumping, heating, steaming and drilling, in the open field, for water, gas and oil, and portable boilers used for agricultural purposes, and in construction of and repairs to public roads, railroad and bridges, boilers on automobiles, boilers of steam fire engines brought into the state for temporary use in times of emergency for the purpose of checking conflagrations, boilers carrying pressures of less than fifteen pounds per square inch, which are equipped with safety devices approved by the board of boiler rules, and boilers under the jurisdiction of the United States, shall be thoroughly inspected, internally and externally, and under operating conditions at intervals of not more than one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned. And shall be equipped with such appliances to insure safety of operation as shall be prescribed by the board of boiler rules.

Section 1058-8. SECTION 3. It shall be the duty of the board of boiler rules to formulate rules for the construction, installation, inspection and operation of steam boilers, and for ascertaining the safe working pressure to be carried on such boilers, to prescribe tests, if it is deemed necessary, to ascertain the qualities of materials used in the construction of boilers, to formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, for the construction, use, and location of fusible plugs, appliances for indicating the pressure of steam and level of water in the boiler, and such other appliances as the board may deem necessary to safety in operating steam boilers, to make a standard form of certificate of inspection, and to examine applicants for certificates as boiler inspectors as hereinafter provided.

Construction, installation and inspection.

Section 1058-9. SECTION 4. The board of boiler rules shall hold examinations and public hearings on complaints and recommendations in the city of Columbus on the second Wednesday in February, May, August, and November, of each year, and at such other times as it may determine.

Examinations, hearings and recommendations.

Section 1058-10. SECTION 5. If the board, after any hearings, shall deem it advisable to make changes in its rules, it shall appoint a day for a further hearing, and shall give notice thereof, and of the changes proposed, by advertisement in at least one newspaper in each of the cities of Cleveland, Cincinnati, Columbus, Toledo, Dayton, and Youngstown, at least ten days before such hearing. If the board, on its own initiative, contemplates changes in its rules, like notice and a hearing shall be given and held before the adoption thereof.

Notice of further hearing and change of rules.

Section 1058-11. SECTION 6. Changes in the rules which affect the construction of new boilers shall take effect six months after the approval of the same by the governor; provided, however, that the board may, upon request, permit the application of such changes in, or additions to, rules, to boilers manufactured or installed during the said six months.

When changes shall take effect.

Section 1058-12. SECTION 7. When a person desires to manufacture a special type of boiler, the design of which is not covered by the rules formulated by the board of boiler rules, he shall submit drawings and specifications of such boiler to said board, who may permit the installation of the same in the state of Ohio.

Special type of boiler.

Section 1058-13. SECTION 8. All rules formulated by the board of boiler rules shall be submitted to, and subject to, the approval of the governor, and when so approved shall be printed and furnished to those requesting them.

Approval of rules.

Section 1058-14. SECTION 9. In addition to the duties heretofore imposed upon him by law, the chief examiner of steam engineers shall be the head of the department of the board of boiler rules and chief inspector of steam boilers. He shall appoint an assistant chief inspector of steam boilers, and such other inspectors, under conditions hereinafter provided, as he may deem necessary, together with such num-

Chief examiner head of department.

Assistants.

ber of clerks, one of whom shall act as the clerk of the board of boiler rules, as may be approved by the governor; and he may incur such other expenses as may be necessary to an efficient administration of said department. He shall pay all moneys received into the state treasury, to the credit of the general revenue fund, accounting monthly to the auditor of state for all moneys received and paid. His necessary office and traveling expenses, together with those of his employes in the discharge of their official duties, and the traveling expenses of the members of the board of boiler rules, shall be allowed and paid out of the state treasury upon itemized vouchers presented to the auditor of state, who shall issue his warrant upon the treasury therefor. All appointments shall be subject to the approval of the governor.

Monthly account.

Expenses.

Section 1058-15.

Bonds.

SECTION 10. The chief inspector of steam boilers shall give a bond payable to the state in the sum of five thousand dollars, with surety to be approved by the governor, conditioned upon the faithful performance of his duty. Like bonds shall be given in the sum of two thousand dollars to be approved in the same manner by the assistant chief inspector and by each general inspector of steam boilers.

Section 1058-16.

Applications for examination, fee.

SECTION 11. Applications for examination as an inspector of steam boilers shall be in writing, accompanied by a fee of ten dollars, upon a blank to be furnished by the chief inspector of steam boilers, stating the school education of the applicant, a list of his employers, his period of employment and the position held with each. He shall also submit a letter from one or more of his previous employers certifying to his character and experience. Applications shall be rejected which contain any wilful falsification, or untruthful statements. Such applicant, if the board of boiler rules deem his history and experience sufficient, shall be examined by the board at its next regular meeting, by a written examination dealing with the construction, installation, operation, maintenance and repair of steam boilers and their appurtenances, and the applicant shall be accepted or rejected on the merits of his application and examination. A rejected applicant shall be entitled, after the expiration of ninety days, and upon payment of an examination fee of ten dollars, to another examination.

Recommendations.

Written examinations.

Rejected applicant.

Upon a favorable report by the board of boiler rules, of the result of an examination, to the chief inspector of steam boilers, he shall immediately issue to the successful applicant a certificate to that effect.

Certificate.

Section 1058-17.

Number of inspectors.

SECTION 12. The chief inspector of steam boilers may, with the consent of the governor, appoint from the holders of certificates provided for in section 11, not to exceed ten general inspectors.

Insurance.

Any company authorized to insure boilers against explosion in this state may designate from holders of such

certificates persons to inspect the boilers covered by such company's policies, and the chief inspector of steam boilers shall issue to such persons commissions authorizing them to act as special inspectors. Such special inspectors shall be compensated by the company designating them, and the fee provided for in section 20 shall not be collected by such special inspectors.

The chief inspector of steam boilers shall issue to each of such appointees, a commission to the effect that the holder thereof is authorized to inspect steam boilers for the state of Ohio. Commission.

No person shall be authorized to act for the state, either as a general inspector or a special inspector, unless he holds a certificate of having passed the examination as herein provided, and also that he holds a commission from the chief inspector of steam boilers to represent the state in that capacity.

Section 1058-18. SECTION 13. A commission shall be revoked by the chief inspector of steam boilers for the incompetence or untrustworthiness of the holder thereof, or for wilful falsification of any matter or statement contained in his application, or in a report of any inspection. A person whose commission is revoked may appeal from the revocation to the board of boiler rules which shall at its next regular meeting, hear the appeal and either set aside or affirm the revocation, and its decision shall be final. The person whose commission has been revoked shall be entitled to be present in person and by counsel on the hearing of the appeal. If a certificate or commission is lost or destroyed a new certificate or commission shall be issued in its place without another examination. Revocation. Appeal. Lost or destroyed commission.

Section 1058-19. SECTION 14. The owner or user of a boiler required to be inspected shall, after due notice, prepare the boiler for internal and external inspection at the appointed time, by drawing the water from the boiler and removing the manhole and hand-hole plates and thoroughly cleaning the boiler and its setting. The chief inspector of steam boilers shall give such owner or user at least fourteen days' notice to prepare the boiler for this inspection, but shall not be required to give notice for inspection under operating conditions. It shall be the duty of the inspector when making inspection under operating conditions to observe the pressure of steam carried, the general condition of each boiler, to ascertain if the safety valve and the appliances for indicating the pressure of steam and level of water in the boiler are in proper working order. No person shall remove or tamper with any safety appliance prescribed by the board of boiler rules, and no person shall in any manner load the safety valve to a greater pressure than that allowed by the certificate of inspection. If in the judgment of the inspector it is advisable to apply a hydrostatic pressure test to the boiler, the owner or user shall prepare the boiler for such test, as directed by the inspector. Preparation for inspection. Pressure test.

Section 1058-20. SECTION 15. If, upon inspection, the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, upon his report to the chief inspector of steam boilers, the chief inspector shall issue to the owner or user thereof, a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the inspector finds that the boiler is not in safe working condition, or is not provided with the fittings necessary to safety, or if the fittings are improperly arranged, he shall immediately notify the owner or user and person in charge of the boiler and shall report the same to the chief inspector of steam boilers, and shall withdraw or withhold such certificate until the boiler and its fittings are put in condition to insure safety of operation, and the owner or user shall not operate the boiler, or cause it to be operated until such certificate has been granted.

Certificate of inspection.

If the owner or user of any boiler disagrees with the inspector as to the necessity for shutting down a boiler or for making repairs or alterations in it, or taking any other measures for safety that may be requested by an inspector, the owner or user may appeal from the decision of the inspector to the chief inspector of steam boilers, who may, after such other inspection by a general inspector or special inspector, as the chief inspector may deem necessary, decide the issue and his decision shall be final.

Appeal from decision of inspector.

Nothing in the act and no inspection or report by any inspector shall relieve the owner or user of a steam boiler of the duty of using due care himself in the inspection, operation and repair of said boiler or of any liability for damages for his failure to inspect or repair or operate said boiler safely.

Care.

Section 1058-21. SECTION 16. The certificate of inspection shall state the name of the owner or user, the location, size and number of each boiler, the date of inspection, and the maximum pressure at which the boiler may be operated, the name of the person that made the inspection, and of the chief inspector of steam boilers, and shall also contain such quotations from the statutes as shall be deemed necessary by the board of boiler rules, and shall be so placed as to be easily read in the engine room or boiler room of the plant where the boiler is located, except that the certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times.

What certificate shall contain.

The owner or user of a boiler herein required to be inspected shall pay to the chief inspector of steam boilers the sum of fifty cents for each certificate issued.

Fee.

Section 1058-22. SECTION 17. Each boiler which has been inspected shall be numbered either by stamping the number on the boiler or by attaching a numbered metal tag by a seal or

Numbered.

otherwise to the boiler or its fittings. No person except an inspector shall deface or remove any such number or tag.

Section 1058-23. SECTION 18. All such boilers installed after January 1, 1912, shall be inspected when installed. A boiler installed in this state prior to July 1, 1912, which does not conform to the rules of construction formulated by the board of boiler rules, may be used after a thorough internal and external inspection, and if the inspector deems it necessary, a hydrostatic test, and after a certificate has been issued by the chief inspector. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules. No certificate of inspection shall be granted on any boiler installed after July 1, 1912, which does not conform to the rules formulated by the board of boiler rules. Inspected when installed.

Section 1058-24. SECTION 19. The owner or user of any stationary boiler herein required to be inspected, who moves the same, shall report to the chief inspector of steam boilers the new location of said boiler, and the boiler shall be inspected before it is again operated. The owner or user of any boiler herein required to be inspected shall immediately notify the chief inspector of steam boilers in case a defect affecting the safety of the boiler is discovered. Report of removal.

Section 1058-25. SECTION 20. The owner or user of a boiler herein required to be inspected shall pay to the inspector upon inspection five dollars for each boiler internally and externally inspected, and two dollars for each boiler inspected while in operation. The inspectors shall give receipts for the same, and when the fee is collected by a general inspector the same shall be forwarded, with his report of the inspection, to the chief inspector of steam boilers. Provided, however, that not more than eight dollars shall be collected in any one year on each such boiler, unless additional inspections are requested by the owner or user of same, or unless the boiler has been inspected and a certificate has been refused, or unless an additional inspection is required because of the change of location of a stationary boiler. Fee. Receipt.

Section 1058-26. SECTION 21. The inspection of boilers and their appurtenances shall be made by the inspectors mentioned herein under the supervision of the chief inspector of steam boilers, and it shall be the duty of the chief inspector to enforce the provisions of this act and of such rules as shall be promulgated by the board of boiler rules that have been approved by the governor. Enforcement of act.

Section 1058-27. SECTION 22. The members of the board of boiler rules, other than the chairman thereof, shall each receive an annual salary of one thousand dollars. The clerk of the board of boiler rules shall receive an annual salary of eighteen hundred dollars. The chief examiner of steam engineers, for his services as chairman of the board of boiler rules, and as chief inspector of steam boilers, shall receive an additional annual salary of twelve hundred dollars. Salaries.

Section 1058-20. SECTION 15. If, upon inspection, the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, upon his report to the chief inspector of steam boilers, the chief inspector shall issue to the owner or user thereof, a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the inspector finds that the boiler is not in safe working condition, or is not provided with the fittings necessary to safety, or if the fittings are improperly arranged, he shall immediately notify the owner or user and person in charge of the boiler and shall report the same to the chief inspector of steam boilers, and shall withdraw or withhold such certificate until the boiler and its fittings are put in condition to insure safety of operation, and the owner or user shall not operate the boiler, or cause it to be operated until such certificate has been granted.

Certificate of inspection.

If the owner or user of any boiler disagrees with the inspector as to the necessity for shutting down a boiler or for making repairs or alterations in it, or taking any other measures for safety that may be requested by an inspector, the owner or user may appeal from the decision of the inspector to the chief inspector of steam boilers, who may, after such other inspection by a general inspector or special inspector, as the chief inspector may deem necessary, decide the issue and his decision shall be final.

Appeal from decision of inspector.

Nothing in the act and no inspection or report by any inspector shall relieve the owner or user of a steam boiler of the duty of using due care himself in the inspection, operation and repair of said boiler or of any liability for damages for his failure to inspect or repair or operate said boiler safely.

Care.

Section 1058-21. SECTION 16. The certificate of inspection shall state the name of the owner or user, the location, size and number of each boiler, the date of inspection, and the maximum pressure at which the boiler may be operated, the name of the person that made the inspection, and of the chief inspector of steam boilers, and shall also contain such quotations from the statutes as shall be deemed necessary by the board of boiler rules, and shall be so placed as to be easily read in the engine room or boiler room of the plant where the boiler is located, except that the certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times.

What certificate shall contain.

The owner or user of a boiler herein required to be inspected shall pay to the chief inspector of steam boilers the sum of fifty cents for each certificate issued.

Fee.

Section 1058-22. SECTION 17. Each boiler which has been inspected shall be numbered either by stamping the number on the boiler or by attaching a numbered metal tag by a seal or

Numbered.

otherwise to the boiler or its fittings. No person except an inspector shall deface or remove any such number or tag.

Section 1058-23. SECTION 18. All such boilers installed after January 1, 1912, shall be inspected when installed. A boiler installed in this state prior to July 1, 1912, which does not conform to the rules of construction formulated by the board of boiler rules, may be used after a thorough internal and external inspection, and if the inspector deems it necessary, a hydrostatic test, and after a certificate has been issued by the chief inspector. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules. No certificate of inspection shall be granted on any boiler installed after July 1, 1912, which does not conform to the rules formulated by the board of boiler rules. **Inspected when installed.**

Section 1058-24. SECTION 19. The owner or user of any stationary boiler herein required to be inspected, who moves the same, shall report to the chief inspector of steam boilers the new location of said boiler, and the boiler shall be inspected before it is again operated. The owner or user of any boiler herein required to be inspected shall immediately notify the chief inspector of steam boilers in case a defect affecting the safety of the boiler is discovered. **Report of removal.**

Section 1058-25. SECTION 20. The owner or user of a boiler herein required to be inspected shall pay to the inspector upon inspection five dollars for each boiler internally and externally inspected, and two dollars for each boiler inspected while in operation. The inspectors shall give receipts for the same, and when the fee is collected by a general inspector the same shall be forwarded, with his report of the inspection, to the chief inspector of steam boilers. Provided, however, that not more than eight dollars shall be collected in any one year on each such boiler, unless additional inspections are requested by the owner or user of same, or unless the boiler has been inspected and a certificate has been refused, or unless an additional inspection is required because of the change of location of a stationary boiler. **Fee.** **Receipt.**

Section 1058-26. SECTION 21. The inspection of boilers and their appurtenances shall be made by the inspectors mentioned herein under the supervision of the chief inspector of steam boilers, and it shall be the duty of the chief inspector to enforce the provisions of this act and of such rules as shall be promulgated by the board of boiler rules that have been approved by the governor. **Enforcement of act.**

Section 1058-27. SECTION 22. The members of the board of boiler rules, other than the chairman thereof, shall each receive an annual salary of one thousand dollars. The clerk of the board of boiler rules shall receive an annual salary of eighteen hundred dollars. The chief examiner of steam engineers, for his services as chairman of the board of boiler rules, and as chief inspector of steam boilers, shall receive an additional annual salary of twelve hundred dollars. **Salaries.**

The assistant chief inspector of steam boilers shall receive an annual salary of three thousand dollars. The general inspectors, provided for in this act, shall each receive an annual salary of eighteen hundred dollars. Clerks and office employes provided for in this act shall receive such compensation as may, with the approval of the governor, be fixed by the board of boiler rules.

Section 1058-28.

SECTION 23. Whoever being the owner, or operator of any steam boiler, herein required to be inspected, operates the same in violation of any rule promulgated by the board of boiler rules, and approved by the governor, or without having the same inspected and a certificate issued therefor as provided in this act, or who hinders or prevents a duly qualified inspector from entering any premises in or on which a steam boiler is situated for the purpose of inspection, shall be fined not less than twenty dollars nor more than five hundred dollars, or imprisoned not to exceed six months, or both.

Penalty.

Section 1058-29.

SECTION 24. Each section of this act, and every part thereof, is hereby declared to be an independent section, and part of a section, and if any section or part of a section is void or ineffective for any cause, it shall not affect any other section or part of a section of this act.

Section 1058-30.

SECTION 25. All acts and parts of acts in conflict or inconsistent with this act or its purposes are hereby repealed; provided, however, that this act shall not affect the rights of municipalities under section 3650 of the General Code, insofar as such section provides for the regulation of the installation and inspection of steam boilers and steam boiler plants for the purpose of the prevention of the emission of smoke.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 14th, 1911.

JUDSON HARMON,
Governor.
237

[Senate Bill No. 39.]

AN ACT

To make uniform the law of transfer of shares of stock in corporation.

Be it enacted by the General Assembly of the State of Ohio:

Section 8673-1.

SECTION 1. Title to a certificate and to the shares represented thereby can be transferred only,

Transfer of title to shares.

(a) By delivery of the certificate indorsed either in

blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign, or transfer the same or the shares represented thereby signed by the person appearing by the certificate to be the owners of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation issuing the certificate and the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Section 8673-2. SECTION 2. Nothing in this act shall be construed as enlarging the powers of an infant or other persons lacking full legal capacity, or of a trustee, executor or administrator, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Powers of infant, trustee, executor, etc. not enlarged.

Section 8673-3. SECTION 3. Nothing in this act shall be construed as forbidding a corporation,

(a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, or

(b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

Section 8673-4. SECTION 4. The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person, though contained in a separate document.

When title of transferee ceases.

Section 8673-5. SECTION 5. The delivery of a certificate to transfer title in accordance with the provisions of section 1, is effectual, except as provided in section 7, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

When transfer of title by delivery effectual.

Section 8673-6. SECTION 6. The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in section 7, though the indorser or transferer,

(a) Was induced by fraud, duress or mistake, to make the indorsement or delivery, or

Transfer by endorsement effectual.

(b) Has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate, or

(c) Has died or become legally incapacitated after the indorsement whether before or after the delivery of the certificate, or

(d) Has received no consideration.

Section 8673-7. When certificate may be reclaimed and transfer rescinded.

SECTION 7. If the indorsement or delivery of a certificate,

(a) Was procured by fraud or duress, or

(b) Was made under such mistake as to make the indorsement or delivery inequitable; or

If the delivery of a certificate was made.

(c) Without authority from the owner, or

(d) After the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless:

(1) The certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or

(2) The injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights.

Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Section 8673-8. Purchaser for value in good faith, obtains title.

SECTION 8. Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Section 8673-9. Owner may be compelled to complete transfer.

SECTION 9. The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Section 8673-10. Effect of attempted transfer without delivery.

SECTION 10. An attempted transfer of title to a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and the obligation, if any, imposed by such prom-

ise shall be determined by the law governing the formation and performance of contracts.

Section 8673-11. SECTION 11. A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants: Warranty.

(a) That the certificate is genuine,

(b) That he has a legal right to transfer it, and

(c) That he has no knowledge of any fact which would impair the validity of the certificate.

In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

Section 8673-12. SECTION 12. A mortgagee, pledgee, or other holder for security of a certificate who in good faith demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby. Holder demanding payment not a guarantor.

Section 8673-13. SECTION 13. No attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until such certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined. Except where a certificate is lost or destroyed, such corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it. When attachment or levy valid.

Section 8673-14. SECTION 14. A creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such certificate or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which can not readily be attached or levied upon by ordinary legal process. Aid of courts in such cases.

Section 8673-15. SECTION 15. There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-law of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate. No lien or restriction of transfer unless stated upon certificate.

Section 8673-16. SECTION 16. The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby. Alteration does not deprive owner of title.

Section 8673-17. SECTION 17. Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the Lost or destroyed certificate.

issue of a new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees.

The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate.

Section 8673-18. Rules of law and equity govern.

SECTION 18. In any case not provided for by this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy or other invalidating cause, shall govern.

Section 8673-19. Interpretation.

SECTION 19. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 8673-20. "Indorsement" defined.

SECTION 20. A certificate is indorsed when an assignment or a power of attorney to sell, assign, or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or when the signature of such person is written without more upon the back of the certificate. In any of such cases a certificate is indorsed though it has not been delivered.

Section 8673-21. "Owner" defined.

SECTION 21. The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Section 8673-22. Definitions.

SECTION 22. (1) In this act, unless the context or subject matter otherwise requires—

"Certificate" means a certificate of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act.

"Delivery" means voluntary transfer of possession from one person to another.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Shares" means a share or shares of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act.

"State" includes state, territory, district and insular possession of the United States.

"Transfer" means transfer of legal title.

"Title" means legal title and does not include a merely equitable or beneficial ownership or interest.

"Value" is any consideration sufficient to support a simple contract, an antecedent or pre-existing obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor.

(2) A thing "is done in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 23. The provisions of this act apply only to certificates issued after the taking effect of this act.

SECTION 24. This act shall take effect on the first day of July, one thousand nine hundred and eleven.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
238

[House Bill No. 443.]

AN ACT

To authorize the board of education of Canaan township, Madison county, Ohio, to pay Helen Millikin for services as teacher.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Canaan township, Madison county, Ohio, be and they are hereby authorized to pay to Helen Millikin out of any funds under their control and not otherwise appropriated the sum of one hundred and one dollars and twenty-five cents, being the sum due her for nine weeks as teacher in the public schools of said township in the year nineteen hundred and eleven.

Providing pay for Helen Millikin.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized to issue his warrant, and the treasurer of said board is hereby authorized to pay said warrant in favor of said Helen Millikin out of any funds under the control of said board of education of said township and not otherwise appropriated.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

239

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[House Bill No. 213.]

AN ACT

To supplement section 6956 of the General Code by the enactment of an additional supplemental section to be known as section 6956-16 of the General Code of Ohio, for the purpose of equalizing taxes and assessments levied for certain road purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6956 of the General Code be further supplemented by the enactment of section 6956-16 to read as follows:

Section 6956-16.

SEC. 6956-16. Whenever the county commissioners or the township trustees shall, under any of the provisions of this chapter, be authorized to levy on the general duplicate of the county or of any township therein, any portion of the cost and expense of the construction or improvement of any public road, and such levy shall in pursuance of such authority be made upon property already assessed, for the payment of the total cost and expenses of the construction of a public road under any provision of this title, and such assessments or any portion thereof remain unpaid at the time of the making of such general levy, the county commissioners, in case such levy is upon the grand duplicate of the entire county, or the township trustees of the proper township, in case such levy is upon the grand duplicate of one or more townships in such county, may assume and pay out of any funds under their control, and

Powers of commissioners and trustees.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

not otherwise appropriated, such portion of such outstanding assessments as is represented by the portion of the amount of the total cost and expenses of such subsequent improvement as shall be levied upon the grand duplicate of the county against the taxable property thereof, or of such township or townships therein.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.
240

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after said bill was so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 296.]

AN ACT

To amend section 8874 of the general code, relating to abolishing grade crossings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8874 of the general code be amended to read as follows:

Sec. 8874. Any municipal corporation may raise or lower, or cause to be raised or lowered, the grade of any street or way, above or below railroad tracks therein, and may require any railroad company operating a railroad in such municipality to raise or lower the grade of its tracks and may construct ways or crossings above the tracks of any railroad, or require the railroad company to construct ways or crossings that are to be passed under its tracks. Any municipality may require such railroad company to erect permanent piers, abutments or any other appropriate supports, in the ways, crossings, streets, roads or alleys, whenever in the opinion of council, the raising or lowering of the grade of any such railroad tracks, or the raising or lowering of the construction of such ways, crossings or supports may be necessary, upon the terms and conditions hereinafter set forth.

Powers as to grades above or below railroad tracks, erection of piers, etc.

SECTION 2. That said original section 8874 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

241

This bill was presented to the Governor on June 3, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[House Bill No. 93.]

AN ACT

To amend section 12553 of the General Code, relating to running passenger trains with less than full crew.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12553 of the General Code be amended to read as follows:

Sec. 12553. Whoever, being superintendent, trainmaster, or other employe of a railroad company, sends or causes to be sent outside of yard limits, a passenger train of not more than five cars, any one of which carries passengers, with a crew consisting of less than one engineer, one fireman, one conductor and one brakeman, and if four of said cars are day coaches carrying passengers, or if in a train of more than five cars, three or more of which are day coaches carrying passengers, or a train of more than six cars, four of which are carrying passengers, or a train of more than seven cars, two or more of which are carrying passengers, or any train with six or more cars carrying passengers with less than one additional brakeman; regularly employed as such, or, if when more than two cars, either of which carries passengers, requires a brakeman to perform the duties of baggage master or express agent, shall be fined not less than twenty-five ($25.00) dollars for each offense.

Penalty for running passenger trains with less than full crew.

For the purpose of this act, a combination mail or baggage and passenger car shall be regarded as a day coach, but straight dining cars and private cars shall not be regarded as cars carrying passengers.

Sec. 12554. The next preceding section shall not ap-

ply to trains picking up a car between terminals in this state, or to cars propelled by electricity.

SECTION 2. That said original section 12553 of the General Code be, and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

242

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[House Bill No. 157.]

AN ACT

To amend sections 9404, 9405, 9406, 9408, 9409, 12956 and 13171 relating to life insurance companies and agents thereof doing business in Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9404, 9405, 9406, 9408, 9409, 12956 and 13171 of the General Code, be amended to read as follows:

Sec. 9404. No life insurance company doing business in this state, or any officer, agent, solicitor, employe, or representative thereof, nor any other person, shall pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insurance, nor shall any person, co-partnership or corporation knowingly receive as such inducement to insurance any rebate of premium payable on the policy or any special favor or advantage in the dividends or other benefits to accrue thereon, or any special advantage in the date of a policy or date of the issue thereof; or any valuable consideration or inducement whatsoever; or give or receive, sell or purchase, or offer to give or receive, sell or purchase, as inducements to insurance or in connection therewith any stock, bonds or other obligations or securities of any insurance company or other corporation, association, partnership or individual, or any dividends or profits to accrue thereon, or any paid employment or contract for services of any kind, or anything of value; provided, that nothing in this chapter shall be so construed as to forbid a company, transacting industrial insurance on a weekly payment plan, from returning to

Rebates or special favors prohibited.

policy holders, who have made premium payments for a period of at least one year, directly to the company at its home or district offices, a percentage of the premium which the company would have paid for the weekly collection of such premium.

Incrimination no ground for refusal of testimony.

No person shall be excused from attending or testifying or producing any books, papers or other documents before any court or magistrate having jurisdiction, upon any investigation, proceeding or trial for a violation of any of the provisions of this section or of section 9403, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him, but no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Penalty.

Sec. 9405. Every corporation which shall violate any of the provisions contained in section 9403, or in section 9404, shall forfeit and pay any sum not less than one hundred dollars nor exceeding five hundred dollars, to be recovered by action in the name of the state and the amount so recovered, shall be paid to the county treasurer for the benefit of the common school fund.

Revocation of license.

Sec. 9406. It shall be the duty of the superintendent of insurance upon conviction of any such life insurance company, or of any agent thereof for violation of any of the provisions of section 9403, or of section 9404, or upon being satisfied of the violation of either of said sections and after reasonable notice to the accused of the time and place of hearing, to revoke the license of the company or agent so offending, and no license shall be granted to such company, or agent, for a period of three years after such revocation.

Misrepresentations prohibited.

Sec. 9408. No life insurance company doing business in this state, and no officer, director or agent thereof, shall issue or circulate or cause or permit to be issued or circulated any estimate, illustration, circular or statement of any sort misrepresenting the terms of the policies or policy issued by it, or the benefits or advantages promised thereby, or the dividends or shares of surplus to be received thereon, or use any name or title of any policy or class of policies misrepresenting the true nature thereof, nor shall any such corporation, or any officer, agent, solicitor or representative thereof, or any other person or persons, make any misrepresentations to any person insured in any life insurance company for the purpose of inducing or tending to induce such person to lapse, forfeit or surrender his said insurance.

Penalty.

Sec. 9409. Every corporation which shall violate any of the provisions of section 9408 shall forfeit and pay not less than one hundred dollars, nor more than five hundred

dollars, to be recovered by action in the name of the state and the amount so recovered shall be paid to the county treasurer for the benefit of the common school fund.

Sec. 12956. Whoever for himself or as officer, agent, solicitor, employe or representative of a life insurance company doing business in this state, makes or permits a distinction or discrimination in favor of individuals between the insured of the same class and of equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts which such company makes; or pays, allows or gives, or offers to pay, allows or gives, directly or indirectly as inducement to insurance or knowingly receives as such inducement to insurance any rebate of premium payable on the policy or any special favor or advantage in the dividends or other benefits to accrue thereon or any special advantage in the date of a policy or date of the issue thereof, or any valuable consideration or inducement whatsoever; or gives or receives, sells or purchases, or offers to give or receive, sell or purchase as inducements to insurance or in connection therewith any stock, bonds or other obligations or securities of any insurance company or other corporation, association, partnership or individual, or any dividends or profits to accrue thereon, or any paid employment or contract for services of any kind or anything of value shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars and not exceeding five hundred dollars, or imprisoned in the jail of the county for a period not exceeding thirty days, or both, at the discretion of the court and shall pay the costs of the prosecution, and the fines which shall be levied and collected for the violation of any of the provisions of this section shall be paid to the county treasurer for the benefit of the common school fund; provided, that nothing in this chapter shall be so construed as to forbid a company, transacting industrial insurance on a weekly payment plan, from returning to policy holders, who have made premium payments for a period of at least one year, directly to the company at its home or district offices, a percentage of the premium which the company would have paid for the weekly collection of such premium.

Discriminations prohibited.

Penalty.

Sec. 13171. Whoever for himself or as officer, director, agent, solicitor, or representative of a life insurance company doing business in this state issues or circulates or causes or permits to be issued or circulated any estimate, illustration, circular or statement of any sort misrepresenting the terms of the policies or policy issued by such company or the benefits or advantages promised thereby or the dividends or shares of surplus to be received thereon, or uses any name or title of any policy or class of policies misrepresenting the true nature thereof or makes any

Misrepresentation inducing lapse, forfeit, etc., prohibited.

misrepresentation to any person insured in any life insurance company for the purpose of inducing or tending to induce such person to lapse, forfeit or surrender his said insurance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars or imprisoned in the jail of the county for a period not exceeding thirty days, or both, at the discretion of the court and shall pay the costs of the prosecution and the fines which shall be levied and collected for the violation of any of the provisions of this section shall be paid to the county treasurer for the benefit of the common school fund.

Penalty.

SECTION 2. That said original sections 9404, 9405, 9406, 9408, 9409, 12956 and 13171 of the General Code be, and the same are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

243

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[House Bill No. 510.]

AN ACT

To repeal section 11960 of the General Code, relating to the dissolution of manufacturing or mining company.

Be it enacted by the General Assembly of the State of Ohio:

Repeal.

SECTION 1. That section 11960 of the General Code be and is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

244

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after the said bill was so pre-

sented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 130.]

AN ACT

To provide for the registration of marks of ownership on personal property, and to make such registered mark prima facie evidence of ownership of property bearing such mark.

Be it enacted by the General Assembly of the State of Ohio:

Section 6240-1. SECTION 1. That any and all persons or corporations who may be the owners of cans, tubs, firkins, boxes, bottles, casks, barrels, kegs, cartons, tanks, fountains, vessels or containers, with his, her, its or their names, brands, designs, trade marks, devices, or other marks of ownership stamped, impressed, labeled, blown in or otherwise marked thereon, may file with the secretary of state, and also with the clerk of the court of common pleas of the county in which such person or persons or corporation may have his, her, its or their principal place of business, a written statement or description verified by affidavit of such owner or his, her or its agent, of the names, brands, designs, trade marks, devices or other marks of ownership so used by him, her, it or them, and of the said article or articles upon which the same are used; or if such principal place of business be without this state, then such written statement or description so verified may be filed with the clerk of the court of common pleas, of any county in this state.

Registration of names, marks, brands, etc., of ownership.

Section 6240-2. SECTION 2. The statement provided for in section one of this act shall be published once a week for four successive weeks in a newspaper printed in the English language, and of general circulation in the county in which such notice may have been filed with the clerk of the court of common pleas as aforesaid; a copy of which publication proved in the same manner as proof of publication is now required to be made by law, when no special mode of proving the same is provided, shall also be filed with the secretary of state, and with the clerk of the court of common pleas of the county, where such statement is filed.

Publication of statement and proof.

All such written statements or descriptions and all such certificates of publication so filed with the clerk of the court of common pleas, shall be recorded by him in a book to be kept by him for such purpose; and such book shall be subject, at all reasonable hours, to the inspection of all persons who may choose to inspect the same.

Record.

Section 6240-3. SECTION 3. The secretary of state and the clerk of the court of common pleas, of the county where such statement is filed, shall deliver to any person who may apply

therefor, upon payment of the fees herein provided, copies of all such written statements or descriptions of names, brands, designs, trade marks, devices, or other marks of ownership, and of all certificates of publication so filed with them, duly certified to by them in the usual manner; and such certified copies, so made by either the secretary of state or the clerk of the court of common pleas of the county where such statement is filed, shall be admissible in evidence in any suit, action or proceeding in law under this act, and shall be prima facie evidence that the provisions of this act have been complied with, and also prima facie evidence of the title of the owner or owners named therein, to the property upon which the name, brand, design, trade mark, device or other mark or marks of ownership of such owner or owners may appear as described therein.

Certified copies.

Section 6240-4.

Fee.

The sectional numbers on the margin hereof are designated as provided by law.

SECTION 4. The secretary of state and the clerk of the court of common pleas shall each receive a fee of one dollar ($1.00), for each statement and certificate of publication filed, and also a fee of one dollar ($1.00), for each certified copy of such statement and certificate of publication.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 7th, 1911.

JUDSON HARMON,
Governor.
245

[House Bill No. 183.]

AN ACT

To amend section 3001 of the General Code, relating to the compensation of county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3001 of the General Code be amended to read as follows:

Sec. 3001. The annual compensation of each county commissioner shall be determined as follows:

In each county in which on the twentieth day of December, 1911, the agregate of the tax duplicate for real estate and personal property is five million dollars or less, such compensation shall be nine hundred dollars, and in addition thereto, in each county in which such aggregate is more than five million dollars, three dollars on each full one hundred thousand dollars of the amount of such duplicate in excess of five million dollars. That the compensation of each county commissioner for the year 1912, and

Compensation.

each year thereafter, shall not in the aggregate exceed 115% of the compensation paid to each county commissioner for the year 1911. In counties where ditch work is carried on by the commissioners, in addition to the salary herein provided, each commissioner shall receive three dollars for each day of time he is actually employed in ditch work; the total amount so received for such ditch work not to exceed three hundred dollars in any one year. Such compensation shall be in full payment of all services rendered as such commissioner and shall not in any case exceed four thousand dollars per annum. Such compensation shall be in equal monthly installments from the county treasury upon the warrant of the county auditor.

SECTION 2. That said original section 3001 of the General Code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

246

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after said bill was so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 94.]

AN ACT

To amend section 1273 of the general code, relating to the conducting of examinations of applicants for certificates to practice medicine or surgery.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1273 of the general code, be amended so as to read as follows:

Sec. 1273. The examinations of applicants for certificates to practice medicine or surgery shall be conducted under rules prescribed by the state medical board. Each applicant shall be examined in anatomy, physiology, paethology, chemistry, materia medica and therapeutics, the principles and practice of medicine, diagnosis, surgery, obstetrics and such other subjects as the board requires. The applicant shall be examined in materia medica and therapeutics and principles and practice of medicine of the school

Examinations for certificates to practice medicine or surgery.

of medicine in which he desires to practice, by the number of members of the board representing such school. (99 v. 498 §30.)

SECTION 2. That original section 1273 of the general code be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

248

This bill was presented to the Governor on June 3, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[Senate Bill No. 167.]

AN ACT

To provide for the curing of the title to certain lands in Paulding county.

(a) Whereas on June 20, 1853, the state of Ohio, in consideration of $75.72 to it paid, by its then governor, R. Wood, in attempted conformity to law, made, executed and delivered its certain patent deed to one Amos Evans, his heirs and assigns, for the following described lands situate in Paulding county, Ohio, to-wit:

Description.

The south half (½) of section thirty-one (31), town three (3) north, range two (2) east, containing 302.88 acres. Said deed being of record in volume 4, at page 54, of the record of Ohio Lands, Canal, in the office of the auditor of state.

(b) And whereas on August 20, 1852, the state of Ohio, in consideration of $50.00 to it paid, by its then governor, R. Wood, in attempted conformity to law, made, executed and delivered its certain patent deed to one Reuben Hawkins, his heirs and assigns, for the following described lands situate in Paulding county, Ohio, to-wit:

The northwest quarter (¼) of the northeast quarter (¼), and the northeast quarter (¼) of the northwest quarter (¼), of section thirty-five (35), town three (3) north, range one (1) east, containing 80 acres. Said deed being of record in volume 1, at page 385, of the Record of Ohio Lands, Canal, in the office of the auditor of state.

(c) And whereas later it was made to appear by plats and surveys made by the canal commission of said state in conformity to law, that at the time said lands were thus conveyed, certain parts thereof hereinafter particularly described, were then in the possession and occupancy of said state as a part of its public works, being partly within the Six Mile reservoir in said county of Paulding.

(d) And whereas after the abandonment of said Six Mile reservoir by said state, to-wit, on March 8, 1892, said canal commission undertook to make an equitable adjustment of the claims of the persons then claiming title to certain parts of said lands, hereinafter particularly described, under the original patentees of the state as aforesaid, and the claims of said state by reason of its prior occupancy of such parts of said lands as a part of its public works by said Six Mile reservoir; as will fully appear by reference to cases numbers 276 and 277, in volume 1A of the records of said canal commission at pages 235 and 236, respectively, in the office of the auditor of said state, canal land department.

(e) And whereas on May 20, 1892, under such equitable adjustment between said canal commission and The Antwerp Hub and Spoke Company, the claimant named in said case number 276, the state of Ohio, in consideration of $270.70 to it paid by said claimant, by its then governor, William McKinley, Jr., made, executed and delivered its certain patent deed to the said The Antwerp Hub and Spoke Company, its heirs and assigns, for a certain part of said lands described in paragraph (a) hereof lying within said reservoir, to-wit:

The north part of the southwest quarter (¼) of section thirty-one (31), town three (3) north, range two (2) east, containing 81.25 acres. Which said deed is recorded in volume 1 at page 16, Record of Deeds of the canal commission in the office of the auditor of state.

(f) And whereas on May 20, 1892, under such equitable adjustment between said canal commission and G. W. Babcocke, the claimant named in said case number 277, the state of Ohio, in consideration of $159.08, to it paid by said claimant, by its then governor, William McKinley, Jr., made, executed and delivered its certain patent deed to the said G. W. Babcocke, his heirs and assigns, for a certain part of the said lands described in paragraph (b) hereof lying within said reservoir, to-wit:

Part of the southeast quarter (¼) of the northwest quarter (¼), containing 37.70 acres; and also the south part of the northwest quarter (¼), of the northeast quarter (¼), containing 13 acres; all in section thirty-five (35), town three (3) north, range one (1) east. Which said deed is recorded in volume 1, at page 11, Record of Deeds of the canal commission in the office of the auditor of state.

(g) And whereas it now appears that it is very

doubtful that said canal commission, under the act of March 28, 1888, creating it, or the act of April 12, 1889, amending said first mentioned act, or any of the acts amendatory thereof, or the act of April 12, 1888, abandoning said Six Mile reservoir, was duly authorized to make such equitable adjustments and sales as hereinbefore recited of lands claimed and held as those hereinbefore mentioned; and that such doubt is affecting the merchantability of the titles to the parts of said lands hereinafter described.

(h) And whereas said canal commission has caused such recitals to be made in the said conveyances hereinbefore mentioned in paragraph (e) and (f), that a cloud has been cast upon the titles to the whole of the lands described in the deeds mentioned in paragraphs (a) and (b) hereof.

(i) Now therefore in consideration of the premises, and of the payments recited and receipted in the said patent deeds hereinbefore described as made by the state of Ohio, and in order that the title of the state of Ohio to the parts of said lands hereinafter described may be properly divested and evidence thereof furnished to the present claimants of said lands for record in said county of Paulding, Ohio:

Be it enacted by the General Assembly of the State of Ohio:

Curing title of Henry Brown and his heirs to certain lands.

SECTION 1. That the governor of said state of Ohio shall, upon the request of the present claimants of said lands, or their lawful successors in interest, make, execute and deliver to the persons herein named or designated, good and sufficient deeds for the proper conveyance in fee simple of all of the interest of the state of Ohio in and to the lands hereinafter described, being parts of the lands hereinbefore described, to such persons as are hereinafter named or herein designated, their heirs and assigns forever; whenever such claimants or their lawful successors in interest shall submit abstracts of title satisfactory to the attorney general of said state showing that they are the lawful successors in interest of the original patentees or grantees of said state as hereinbefore set forth, to the respective portions of said lands claimed by each of them.

SECTION 2. That such a conveyance as that prescribed in section 1 of this act, and under the terms and conditions thereof, shall be made to Henry Brown, his heirs and assigns for the southwest quarter (¼) of said section thirty-one (31), town three (3) north, range one (1) east, Paulding county, Ohio.

Fredrich G. Henzel and heirs.

SECTION 3. That such a conveyance as that prescribed in section 1 of this act, and under the terms and conditions thereof, shall be made to Fredrich G. Genzel, his heirs and assigns, for the following described premises, to-wit:—

Commencing at the north east corner of the north west quarter (¼) of the north east quarter (¼) of said sec-

tion thirty-five (35), town three (3) north, range one (1) east, Paulding county, Ohio; thence west thirteen and sixty-two hundredths (13.62) chains; thence south to the south line of said north west quarter (¼) of said north east quarter (¼); thence east thirteen and sixty-two hundredths (13.62) chains to the south east corner of said north west quarter (¼) of said north east quarter (¼); thence north to the place of beginning.

SECTION 4. That such a conveyance as that prescribed in section 1 of this act, and under the terms and conditions thereof, shall be made to Nicholas Harrman and Otha M. Harrman, their heirs and assigns forever, for the following described premises, to-wit: Nicholas and Otha M. Harrman.

Beginning at a point on the north line of the said north west quarter (¼) of said north east quarter (¼) of said section thirty-five (35), town three (3) north, range one (1) east, Paulding county, Ohio, thirteen and sixty-two hundredths (13.62) chains west of the north east corner of said north west quarter (¼) of said north east quarter (¼); thence west to the north west corner of said north west quarter (¼) of said north east quarter (¼); thence south to the south west corner of said north west quarter (¼) of said north east quarter (¼); thence east to a point on the south line of said north west quarter (¼) of said north east quarter (¼) thirteen and sixty-two hundredths (13.62) chains west of the south east corner thereof; thence north to the place of beginning.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

248

This bill was presented to the Governor on June 3, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 17, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[House Bill No. 579.]

AN ACT

To provide for the branding and labeling of mattresses, and to provide against the use of insanitary or unhealthy materials in the manufacture of mattresses and to provide against the sale of mattresses containing such insanitary or unhealthy materials.

Be it enacted by the General Assembly of the State of Ohio:

Section 12798-1. SECTION 1. Whoever manufactures for sale, offers for

sale, sells, delivers or has in his possession with intent to sell or deliver any mattress which is not properly branded or labeled as hereinafter provided, or which is falsely branded or labeled, or whoever uses, either in whole or in part, in the manufacture of mattresses any cotton or other material which has been used or has formed a part of any mattress, pillow or bedding, used in or about any public or private hospital, or in or about any person having infectious or contagious diseases, or whoever dealing in mattresses has a mattress in his possession for the purpose of sale or offers it for sale without a brand or label as herein required, or removes, conceals or defaces the brand or label thereon, shall be fined not less than $25.00 nor more than $500.00, or be imprisoned in the county jail not more than six months or both.

Penalty for sale of insanitary and unlabeled mattresses.

Section 12798-2. Label.

SECTION 2. The brand or label required by the next preceding section shall contain in plain print in the English language a statement of the material used in the manufacture of such mattress, whether such materials are in whole or in part new or second-hand, and the quantities and qualities of the material used. When it is necessary to use a label, it shall be in the shape of a paper or cloth tag to be sewed or otherwise securely attached to each article; and a label of this description shall in all cases be placed upon the outside of each bale, box or crate in which such mattresses are packed, shipped or exposed for sale.

Section 12798-3. Mattress defined.

SECTION 3. A mattress within the meaning of this act shall include any quilted pad, stuffed with hair, wool or other soft material, except feathers, to be used on a bed for sleeping or reclining purposes.

Section 12798-4. Proceeding for violation.

SECTION 4. When the commissioner of labor statistics has reason to believe that any of the provisions of this act are being violated he shall advise the attorney general thereof, giving the information in support of such belief, and the attorney general, or under his direction, the prosecuting attorney of any county in which the violation occurs, shall forthwith institute the proper legal proceedings for the enforcement of its provisions, and for the punishment of all violations thereof.

The sectional numbers on the margin hereof are designated as provided by law.

SECTION 5. This act shall take effect and be in force on and after September 1, 1911.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 6th, 1911.

JUDSON HARMON,
Governor.
249

[House Bill No. 48.]

AN ACT

To provide for the initiative and referendum in municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

Section 4227-1. SECTION 1. Ordinances providing for and declaratory of any and all powers of government which the general assembly has delegated or may hereafter delegate to any municipal corporation, in accordance with the provisions of the constitution, and also ordinances repealing other ordinances, may be proposed to the council of any municipal corporation for passage by initiative petition signed as hereafter provided by thirty per cent. of the qualified voters of such municipality, which petition is to be filed with the clerk of such municipal corporation within 120 days after the date of the first signature thereon. Any proposed ordinances so petitioned for, shall be submitted by said clerk to the council for its action thereon at its next meeting. If within sixty days after its first submission to the council, said ordinance is not passed by the council without change or amendment, it shall be the duty of the clerk within ten days after the expiration of said sixty days to certify said proposed ordinance to the officers having control of the elections in such municipal corporation, who shall cause the question of the passage of such ordinance to be submitted to the vote of the electors of such municipal corporation at the next regular election; provided, however, that same shall not become operative until it shall have been submitted and receive the majority of the vote cast at such election.

Municipal, initiative and referendum.

The highest total vote cast for the office of mayor at the regular municipal election immediately preceding the filing of such petition shall be the basis upon which the number of signatures of qualified electors of such municipal corporation required upon the aforesaid petitions, shall be determined. If a majority of those voting on said ordinances vote in favor of same, it shall become a valid ordinance of said municipal corporation from the date of the determination of the vote, and shall not be subject to the veto of the mayor; and said ordinance shall be recorded and published in the same manner as other ordinances of said municipality.

Majority.

Section 4227-2. SECTION 2. Any ordinance, resolution or other measure of a municipal corporation, granting a franchise creating a right, involving the expenditure of money or exercising any other power delegated to such municipal corporation by the general assembly, shall be submitted to the qualified electors for their approval or rejection in the manner herein provided, if within thirty days after the passage or adoption of such ordinance, resolution or measure by the council, there be filed with the clerk of such mu-

Franchises, rights, expenditure of money, etc.

nicipal corporation, a petition or petitions signed by fifteen per cent. of the qualified electors of such municipal corporation as determined by the highest number of votes cast for the office of mayor of such municipal election immediately preceding, ordering the submission of such ordinance, resolution or measure to the vote of the electors of such municipal corporation. Within ten days after the filing of such petition or petitions with the clerk as aforesaid, such clerk shall certify such ordinance, resolution or other measure to the officer or officers having control of elections in such municipal corporation who shall submit such ordinance, resolution or other measure to the vote of the electors of such municipal corporation at the next general election.

No resolution, ordinance, or measure of any municipal corporation, creating a right, involving the expenditure of money, granting a franchise, conferring, extending or renewing a right to use of the streets, or regulating the use of the streets for water, gas, electricity, telephone, telegraph, power or street railways, or other public or quasi-public utility shall become effective in less than sixty days after its passage, during which time, if petitions signed by fifteen per cent. of the qualified electors of such municipal corporation as determined by the highest number of votes cast for the office of mayor of such municipal corporation at the municipal election immediately preceding, are filed with the clerk of such municipal corporation petitioning for the submission of any such ordinance or resolution to a vote of the people, such clerk shall certify the fact of the filing of such petition to the officers having control of the elections in such municipal corporation, who shall cause said resolution or ordinance to be voted on at the next regular election; Provided, however, that at least thirty days' notice of the election upon such ordinance, resolution or measure must be given, when such election is to be held.

Section 4227-3. SECTION 3. All other acts of city council not included among those specified in section 2 of this act, shall also remain inoperative for sixty days after passage and may be submitted to popular vote in the manner herein provided, except that any act, not included within those specified in section 2 of this act, as remaining inoperative for sixty days, and which is declared to be an emergency measure, and receiving a three-fourths majority in council of such municipal corporation may go into effect immediately and remain in effect until repealed by city council or by direct vote of the people as herein provided.

Section 4227-4. SECTION 4. The form of petition for the referendum to the people on any act of a city council shall be substantially as follows:

NOTICE.

Misdemeanor. It is a misdemeanor for any one to sign any initiative or referendum petition with any name other than his own

or knowingly to sign his name more than once for the same measure, or to sign such petition when he is not a qualified elector.

Form of petition for vote.

To ....., clerk of.....:

We, undersigned, electors of.....of..... respectfully order that council ordinance No....., entitled .....shall be referred to the electors for their approval or rejection, at the regular election to be held on the.....day of.....A. D. 19...., and each for himself says: I know the contents of and have personally signed this petition and my residence is correctly stated opposite my name. Name....., Residence ....., Date of signature.

Here place as many lines as convenient for the placing of signatures, places of residence and date of signature, under the respective headings indicated.

The form of petition for any ordinance proposed by the initiative shall be substantially the same as for referendum petitions, except that in place of number and title of the ordinance passed by council, shall be inserted, the text of the proposed ordinance.

Petitions may be filed in numbered sections accompanied by the affidavit of the person or persons circulating same, which affidavit shall be in substantially the following form:

Affidavit.

State of Ohio, County of.....ss.:

I, ... being first duly sworn, say: The signatures upon the petitions herewith attached were made in my presence; I believe that each signer is a qualified elector and has stated his name and address correctly.

Signature and address of affiant .....

Subscribed and sworn to before me by ..... this ..... day of....., A. D. .....

Signature and title of officer before whom oath is made together with such officer's seal, if the use of same be otherwise required by law.

The forms herein given are not mandatory, and if substantially followed in any petition it shall be sufficient, regardless of clerical and technical errors.

Section 4227-5.

SECTION 5. Ordinances, resolutions or other measures referred by petition shall be designated, "Referendum ordered by petition of the electors," ordinances or other measures proposed by initiative petition shall be designated by the heading, "Proposed by initiative petition."

Designation.

The manner of voting upon ordinances, resolutions or other measures submitted to the electors, and upon ordinances, resolutions or other measures proposed by initiative and submitted to the electors, shall be the same as is now or may hereafter be required and provided by law; no ordinance or other measure shall be adopted unless it shall receive an affirmative majority of the total number of the lawful and effective votes cast at such election and entitled

Ballots.

to be counted under the provisions of this act; separate ballots shall be provided and so printed as to permit vote for or against each ordinance or measures submitted in accordance with the order of the petition or petitions demanding such submission and for or against each ordinance or measure proposed by initiative petition and all ordinances and measures passed by council or ordinances and measures proposed by initiative petition, so submitted, shall be indicated on the ballots by the title of such ordinance or measure passed by council, or the title of the proposed ordinance or measure given in the petitions asking for the popular vote upon the same.

Who may sign petitions.

Every person who is a qualified elector of the State of Ohio, may lawfully sign any of the petitions mentioned in this act, for an initiative or referendum vote, in the municipality where he is entitled to vote. Any person signing any name other than his own to any petition, or knowingly signing his name more than once upon a petition or petitions for a referendum election upon the same ordinance or measure or upon a petition or petitions proposing the same ordinance or measure, at one election, or who is not at the time of signing his name a qualified elector of the city, or any officer or any person willfully violating any provision of this statute, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail or workhouse not exceeding six months, or both.

Penalty.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

SECTION 6. If any section or portion of this act shall for any reason be declared to be unconstitutional, such invalidity shall not affect any other section or portion hereof.

All laws and parts of laws in conflict herewith are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 14th, 1911.

JUDSON HARMON,
Governor.
250.

[Senate Bill No. 127.]

AN ACT

To create a state insurance fund for the benefit of injured, and the dependents of killed employes, and to provide for the administration of such fund by a state liability board of awards.

Section 1465-37. Establishment of liability board of awards.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. There is hereby created a state liability board of awards, to be composed of three members, not more

than two of whom shall belong to the same political party, to be appointed by the governor, within thirty days after the passage of this act, one of which members shall be appointed for the term of two years, one member for four years and one member for six years, and thereafter as their terms expire the governor shall appoint one member for the term of six years. Vacancies shall be filled by appointment by the governor for the unexpired term.

Appointment, term, vacancies.

Section 1465-38. SECTION 2. Each member of the board shall devote his entire time to the duties of his office and shall not hold any position of trust or profit or engage in any occupation or business interfering or inconsistent with his duty as such member, or serve on or under any committee of any political party.

Entire time of members required.

Section 1465-39. SECTION 3. Each member of the board shall receive an annual salary of five thousand dollars, payable in the same manner as salaries of state officers are paid.

Compensation.

Section 1465-40. SECTION 4. The board shall be in continuous session and open for the transaction of business during all the business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public, and shall stand and be adjourned without further notice thereof on its records. All proceedings of the board shall be shown on its record of proceedings, which shall be a public record, and shall contain a record of each case considered, and the award made with respect thereto, and all voting shall be had by the calling of each member's name by the secretary and each vote shall be recorded as cast.

Continuous session.

Record.

Section 1465-41. SECTION 5. A majority of the board shall constitute a quorum for the transaction of business, and a vacancy shall not impair the right of the remaining members to exercise all the powers of the full board so long as a majority remains. Any investigations, inquiry or hearing which the board is authorized to hold, or undertake, may be held or undertaken by or before any one member of the board. All investigations, inquiries, hearings and decisions of the board, and every order made by a member thereof, when approved and confirmed by a majority of the members, and so shown on its record of proceedings, shall be deemed to be the order of the board.

Quorum.

What constitutes an order.

Section 1465-42. SECTION 6. The board shall keep and maintain its office in the city of Columbus, and shall provide a suitable room or rooms, necessary office furniture, supplies, books, periodicals and maps. All necessary expenses shall be audited and paid out of the state treasury. The board may hold sessions at any place within the state.

Place of office.

Section 1465-43. SECTION 7. The board may employ a secretary, actuary, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants, and fix their compensation. Such employments and compensation shall be first approved by the governor, and shall be paid out of the state treasury. The members of the board, actuaries, accountants, inspectors, examiners, experts, clerks, stenogra-

Employees.

phers and other assistants that may be employed shall be entitled to receive from the state treasury their actual and necessary expenses while traveling in the business of the board. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by the board.

Expenses.

Section 1465-44. Rules and regulations.

SECTION 8. The board shall adopt reasonable and proper rules to govern its procedure, regulate and provide for the kind and character of notices, and the services thereof, in cases of accident and injury to employes, the nature and extent of the proofs and evidence, and the method of taking and furnishing the same, to establish the right to benefits of compensation from the state insurance fund, hereinafter provided for, the forms of application of those claiming to be entitled to benefits or compensation therefrom, the method of making investigations, physical examinations and inspections, and prescribe the time within which adjudications and awards shall be made.

Section 1465-45. Examinations under oath.

SECTION 9. Every employer shall furnish the board, upon request, all information required by it to carry out the purposes of this act. The board or any member thereof, or any person employed by the board for that purpose, shall have the right to examine under oath any employer or officer, agent or employe thereof.

Section 1465-46. Answers must be verified and returned to board.

SECTION 10. Every employer receiving from the board any blank with directions to fill the same, shall cause the same to be properly filled out as to answer fully and correctly all questions therein propounded, and if unable to do so shall give good and sufficient reasons for such failure. Answers to such questions shall be verified under oath and returned to the board within the period fixed by the board for such return.

Section 1465-47. Power to administer oath.

SECTION 11. Each member of the board, the secretary and every inspector or examiner appointed by the board shall, for the purposes contemplated by this act, have power to administer oaths, certify to official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

Section 1465-48. Failure to comply with order or testify, is contempt.

SECTION 12. In case of disobedience of any person to comply with the order of the board, or subpoena issued by it as one of its inspectors, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the probate judge of the county in which the person resides, on application of any member of the board, or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpoena issued from such court on a refusal to testify therein.

Section 1465-49. Officers' fees.

SECTION 13. Each officer who serves such subpoena shall receive the same fees as a sheriff, and each witness

who appears, in obedience to a subpoena, before the board or an inspector or examiner, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of common pleas, which shall be audited and paid from the state treasury in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the board. No witness subpoenaed at the instance of a party other than the board or an inspector shall be entitled to compensation from the state treasury unless the board shall certify that his testimony was material to the matter investigated.

Section 1465-50. SECTION 14. In an investigation, the board may cause depositions of witnesses residing within or without the state to be taken in the manner prescribed by the law for like depositions in civil actions in the court of common pleas. Depositions.

Section 1465-51. SECTION 15. A transcribed copy of the evidence and proceedings, or any specific part thereof, or any investigation, by a stenographer appointed by the board, being certified by such stenographer to be a true and correct transcript of the testimony on the investigation, or of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and subscribed, may be received in evidence by the board with the same effect as if such stenographer were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of the fee therefor, as provided for transcript in courts of common pleas. Stenographer's copy received in evidence.

Section 1465-52. SECTION 16. The board shall prepare and furnish blank forms, and provide in its rules for their distribution so that the same may be readily available, of application for benefits or compensation from the state insurance fund, notices to employers, proofs of injury or death, of medical attendance, of employment and wage earnings, and such other blanks as may be deemed proper and advisable, and it shall be the duty of insured employers to constantly keep on hand sufficient supply of such blanks. Blank forms furnished by board.

Section 1465-53. SECTION 17. The state liability board of awards shall classify employments with respect to their degree of hazard, and determine the risks of the different classes and fix the rates of premium of the risks of the same, based upon the total pay roll and number of employes in each of said classes of employment, sufficiently large to provide an adequate fund for the compensation provided for in this act, and to create a surplus sufficiently large to guarantee a state insurance fund from year to year. Classification of employments.

Section 1465-54. SECTION 18. The state liability board of awards shall establish a state insurance fund from premiums paid thereto by employers and employes as herein provided, accord- State insurance fund established.

ing to the rates of risk in the classes established by it, as herein provided, for the benefit of employes of employers that have paid the premium applicable to the classes to which they belong and for the benefit of the dependents of such employes, and shall adopt rules and regulations with respect to the collection, maintenance and disbursement of said fund.

Section 1465-55. State treasurer custodian.

SECTION 19. The treasurer of state shall be the custodian of the state insurance fund, and all disbursement therefrom shall be paid by him, but upon vouchers signed by any two members of the state liability board of awards.

Section 1465-56. Bond.

SECTION 20. The treaurer of state shall give a separate and additional bond, in such amount as may be fixed by the governor, and with sureties to his approval, conditioned for the faithful performance of his duties as custodian of the state insurance fund herein provided for.

Section 1465-57.

SECTION 20-1. Any employer who employs five or more workmen or operatives regularly in the same business, or in or about the same establishment who shall pay into the state insurance fund the premiums provided by this act, shall not be liable to respond in damages at common law or by statute, save as hereinafter provided, for injuries or death of any such employe, wherever occurring, during the period covered by such premiums, provided the injured employe has remained in his service with notice that his employer has paid into the state insurance fund the premiums provided by this act; the continuation in the service of such employer with such notice, shall be deemed a waiver by the employe of his right of action as aforesaid.

Who not liable for damages.

Each employer paying the premiums provided by this act into the state insurance fund shall post in conspicuous places about his place or places of business typewritten or printed notices stating the fact that he has made such payment; and the same, when so posted, shall constitute sufficient notice to his employes of the fact that he has made such payment; and of any subsequent payments he may make after such notices have been posted.

Notices of payment to be posted.

Section 1465-58.

SECTION 20-2. For the purpose of creating such state insurance fund, each employer who employes five or more workmen or operatives regularly in the same business, or in or about the same establishment, and his employes in this state, having elected to accept the provisions of this act, shall pay, on or before January 1, 1912, and semi-annually thereafter, the premiums of liability risk in the classes of employment as may be determined and published by the state liability board of awards. The said employers for themselves and their employes shall make such payments to the state treasurer of Ohio, who shall receive and place the same to the credit of such state insurance fund. The premiums provided for in this act shall be paid by the employer and employes in the following proportions, to-wit: Ninety per cent. of the premium shall be paid by the employer and ten per cent. by the employes.

Payment of premiums of liability risk.

Proportions of by employer and employe.

Each employer is authorized to deduct from the pay roll of his employes ten per cent. of the said premiums for any premium period in proportion to the pay roll of such employes; no deduction shall be made except for that portion of the premium period antedating such pay roll. Each employer shall give a receipt to each employe showing the amount which has been deducted and paid into the state insurance fund.

Section 1465-59. SECTION 21. The state liability board of awards shall disburse the state insurance fund to such employes of employers as have paid into said fund the premiums applicable to the classes to which they belong, that have been injured in the course of their employment, wheresoever such injury has occurred, and which have not been purposely self inflicted, or to their dependents in case death has ensued.

Disbursement.

Section 1465-60. SECTION 21-1. All employers who employ five or more workmen or operatives regularly in the same business, or in or about the same establishment who shall not pay into the state insurance fund the premiums provided by this act, shall be liable to their employes for damages suffered by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employes, and also to the personal representatives of such employes where death results from such injuries and in such action the defendant shall not avail himself or itself of the following common law defenses:

Effect of failure to pay premiums.

The defense of the fellow-servant rule, the defense of the assumption of risk, or the defense of contributory negligence.

Section 1465-61. SECTION 21-2. But where a personal injury is suffered by an employe, or when death results to an employe from personal injuries while in the employ of an employer in the course of employment, and such employer has paid into the state insurance fund the premium provided for in this act, and in case such injury has arisen from the wilful act of such employer or any of such employer's officers or agents or from the failure of such employer, or any of such employer's officers or agents, to comply with any municipal ordinance or lawful order of any duly authorized officer, or any statute for the protection of the life or safety of employes, then in such event, nothing in this act contained shall affect the civil liability of such employer, but such injured employe, or his legal representative in case death results from the injury, may, at his option, either claim compensation under this act or institute proceedings in the courts for his damage on account of such injury, and such employer shall not be liable for any injury to any employe, or to his legal representative in case death results, except as provided in this act.

Alternative—in case of failure of employer to comply with law or ordinance.

Every employe, or legal representative in case death results, who makes application for an award from the

Waiver.

state liability board of awards, waives his right to exercise his option to institute proceedings in any court. Every employe or his legal representative in case death results, who exercises his option to institute proceedings in court as provided in section 21-2, waives his right to any award; except as provided in section 36 of this act.

Section 1465-62.

SECTION 23. The board shall disburse and pay from the fund, for such injury, to such employes, such amounts for medical, nurse and hospital services and medicines, as it may deem proper, not, however, in any case, to exceed the sum of two hundred dollars, in addition to such award to such employe.

Aid for medical, nurse and hospital services.

Section 1465-63.

SECTION 24. In case death ensues from the injury reasonable funeral expenses, not to exceed one hundred and fifty dollars, shall be paid from the fund, in addition to such award to such employe.

Funeral expenses.

Section 1465-64.

SECTION 25. No benefit shall be allowed for the first week after the injury is received, except the disbursement provided for in the next two preceding sections.

Section 1465-65.

SECTION 26. In case of temporary or partial disability, the employe shall receive sixty-six and two-thirds per cent. of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of twelve dollars per week, and not less than a minimum of five dollars per week, if the employe's wages were less than five dollars per week, then he shall receive his full wages; but not to continue for more than six years from the date of the injury, nor to exceed three thousand four hundred dollars in amount from that injury.

Aid in temporary or partial disability.

Section 1465-66.

SECTION 27. In case of permanent total disability the award shall be 66 2/3% of the average weekly wage, and shall continue until the death of such person so totally disabled, but not to exceed a maximum of twelve dollars per week, and not less than a minimum of five dollars per week, if the employe's wages were less than five dollars per week, then he shall receive his full wages.

Cases of total disability.

Section 1465-67.

SECTION 28. In case the injury causes death within the period of two years the benefits shall be in the amounts and to the persons following:

Cases of death.

1. If there be no dependents, the disbursements from the insurance fund shall be limited to the expense provided for in sections 23 and 24.

Payment in cases of wholly dependent persons.

2. If there are wholly dependent persons at the time of the death, the payment shall be sixty-six and two-thirds per cent. of the average weekly wage and to continue for the remainder of the period between the date of the death and six years after the date of the injury, and not to amount to more than a maximum of thirty-four hundred dollars, nor less than a minimum of one thousand five hundred dollars.

Partly dependent persons.

3. If there are partly dependent persons at the time of the death, the payment shall be sixty-six and two-thirds per cent. of the average weekly wage and to continue for

all or such portion of the period of six years after the date of the injury, as the board in each case may determine, and not to amount to more than a maximum of thirty-four hundred dollars.

Section 1465-68. SECTION 29. The benefits, in case of death, shall be paid to such one or more of the dependents of the decedent, for the benefit of all the dependents, as may be determined by the board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the board deem proper, and shall operate to discharge all other claims therefor.

To whom benefits shall be paid and how apportioned.

Section 1465-69. SECTION 30. The dependent or person to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the finding and direction of the board.

Application of benefits.

Section 1465-70. SECTION 31. The average weekly wage of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits.

Basis of computation.

Section 1465-71. SECTION 32. If it is established that the injured employe was of such age and experience when injured as that under natural conditions his wages would be expected to increase, the fact may be considered in arriving at his average weekly wage.

Section 1465-72. SECTION 33. The power and jurisdiction of the board over each case shall be continuing, and it may from time to time make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion, may be justified.

Continuous jurisdiction of board.

Section 1465-73. SECTION 34. The board, under special circumstances, and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

Commutation.

Section 1465-74. SECTION 35. Benefits before payment shall be exempt from all claims or creditors and from any attachment or execution, and shall be paid only to such employes or their dependents.

Benefits exempt from claims.

Section 1465-75. SECTION 36. The board shall have full power and authority to hear and determine all questions within its jurisdiction, and its decision thereon shall be final.

Hearing, decision.

Provided, however, in case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the injury was self-inflicted or on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the claimant's right, then the claimant within thirty (30) days after the notice of the final action of such board may, by filing his appeal in the common pleas court of the county wherein the injury was inflicted, be entitled to a trial in the ordinary way, and be entitled to a jury if he demands it. In such a proceeding, the prosecuting attorney of the county, without additional compensation, shall represent the state liability board of awards,

Proviso.

Appeal provided.

and he shall be notified by the clerk forthwith of the filing of such appeal.

Filing of petition.

Within thirty days after filing his appeal, the appellant shall file a petition in the ordinary form against such board as defendant and further pleadings shall be had in said cause according to the rules of civil procedure, and the court, or the jury, under the instructions of the court, if a jury is demanded, shall determine the right of the claimant; and, if they determine the right in his favor, shall fix his compensation within the limits and under the rules prescribed in this act; and any final judgment so obtained shall be paid by the state liability board of awards out of the state insurance fund in the same manner as such awards are paid by such board.

Costs and attorney's fee.

The costs of such proceeding, including a reasonable attorney's fee to the claimant's attorney to be fixed by the trial judge, shall be taxed against the unsuccessful party. Either party shall have the right to prosecute error as in the ordinary civil cases.

Section 1465-76.

Rules governing board.

SECTION 36-1. Such board shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure, other than as herein provided; but may make the investigation in such manner as in their judgment, is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act.

Section 1465-77.

Expenses, salaries and compensation.

SECTION 37. The board may make necessary expenditures to obtain statistical and other information to establish the classes provided for in section 17. The salaries and compensation of the secretary, and all actuaries, accountants, inspectors, examiners, experts, clerks and other assistants, and all other expenses of the board herein authorized including the premium to be paid by the state treasurer for the bond to be furnished by him, shall be paid out of the state treasury upon vouchers, signed by two of the members of such board, presented to the auditor of state, who shall issue his warrant therefor as in other cases.

Section 1465-78.

SECTION 38. No provision of this act relating to the amount of compensation shall be considered by, or called to the attention of the jury on the trial of any action to recover damages as herein provided.

Section 1465-79.

Report to governor.

SECTION 39. Annually on or before the 15th day of November, such board, under the oath of at least two of its members, shall make a report to the governor which shall include a statement of the number of awards made by it, and a general statement of the causes of the accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the expense fund, and the condition of its respective funds, together with any other matters which such board deems it proper to call to the attention of the governor, including any recommendations it may have to make.

SECTION 40. The expense of such board in carrying

out the provisions of this act shall be paid until January 1, 1912, out of the general revenue of the state not otherwise appropriated. Such expense shall not exceed twenty-five thousand dollars in addition to the salaries of members of such board.

Expense to be paid out of general revenue fund.

The sectional numbers on the margin hereof are designated as provided by law.

SECTION 41. The expenses of such board in carrying out the provisions of this act shall be paid from January 1st, 1912, to January 1st, 1913, out of the general revenue fund of the state not otherwise appropriated. Such expense shall not exceed one hundred thousand dollars in addition to the salary of the members.

TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 15th, 1911.

JUDSON HARMON,
Governor.
251.

[House Bill No. 398.]

AN ACT

For the regulation and control of fraternal benefit societies.

Be it enacted by the General Assembly of the State of Ohio:

Section 9462. SECTION 1. Any corporation, society, order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with section 5 hereof, is hereby declared to be a fraternal benefit society.

Fraternal benefit society defined.

Lodge system.

Section 9463. SECTION 2. Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

Section 9464. SECTION 3. Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as

Representative form of government.

may be prescribed by its constitution and laws; provided, that the elective members shall constitute a majority in number and have not less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws; and provided further, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates shall be held as often as once in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

Section 9465. Exempt from insurance laws.

SECTION 4. Except as herein provided, such societies shall be governed by this act, and shall be exempt from all provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose, and no law hereafter enacted shall apply to them, unless they be expressly designated therein.

Section 9466. Society shall pay benefits.

SECTION 5. Subsection 1. Every society transacting business under this act shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age; provided, the period of life at which the payment of benefits for disability on account of old age shall commence, shall not be under seventy years, and may provide for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all, or such portion of the face value of his certificate as the laws of the society may provide; provided, that nothing in this act contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued. Such society shall, upon written application of the member, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding one-half of the periodical contribution, against the certificate with interest payable or compounded annually at a rate not lower than four per cent. per annum; provided, that this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contributions, and to contracts affected by such readjustment.

When extended and paid up protection may be granted.

Subsection 2. Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve necessary to enable it to do so, under a table of mortality not lower than the American Experience Table and four per cent. interest may grant to its members, extended and paid up protection, or such withdrawal equities as its constitution and laws may provide; provided, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

Section 9467. SECTION 6. The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, or to a person or persons dependent upon the member; provided, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the privilege with the consent of the society, to make such institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in such benefit until the same has become due and payable upon the death of such member; provided, that any society may, by its laws, limit the scope of beneficiaries within the above classes.

To whom benefits shall be paid.

Section 9468. SECTION 7. Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician, and whose examination has been supervised and approved in accordance with the laws of the society; provided, that any beneficiary member of such society who shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

Membership.

Section 9469. SECTION 8. Every certificate issued by any such society shall specify the amount of benefit provided thereby, and shall provide that the certificate, the charter or articles of incorporation, of, if a voluntary association, the articles of association, the constitution and laws of the society and the application for membership and medical examination, signed by the applicant, and all amendments to each thereof, shall constitute the agreement between the society and the member, and copies of the same certified by the secretary of the society, or corresponding officer, shall be received in evidence of the terms and conditions thereof, and any changes, additions or amendments to such charter or articles of incorporation, or articles of association, if a voluntary association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate shall bind the members and his beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

Certificate shall constitute agreement.

Section 9470. SECTION 9. Subsection 1. Any society may create, maintain, invest, disburse and apply an emergency, surplus or other similar fund in accordance with its laws. Unless otherwise provided in the contract, such funds shall be

Investment, disbursement and application of funds.

held, invested and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in subsection 2 of section 5 of this act. The funds from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed, shall be derived from periodical or other payments by the members of the society and accretions of such funds; provided, that no society, domestic or foreign, shall hereafter be incorporated or admitted to transact business in this state, which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress, August 23, 1899, or any higher standard, with interest assumption not more than four per cent. per annum, nor write or accept members for temporary or permanent disability benefits except upon tables based upon reliable experience, with an interest assumption not higher than four per cent. per annum.

Liabilities.

Subsection 2. Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liabilities shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation, and every society shall maintain a fund sufficient to meet such liability regardless of proposed future collections to meet any such liabilities.

Section 9471. How funds invested.

SECTION 10. Every society shall invest its funds only in securities permitted by the laws of this state for the investment of the assets of life insurance companies; provided, that any foreign society permitted or seeking to do business in this state, which invests its funds in accordance with the laws of the state in which it is incorporated, shall be held to meet the requirements of this act for the investment of funds.

Section 9472.

SECTION 11. Every provision of the laws of the society for payment by members of such society, in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions of either or any of such funds shall be used for expenses.

Section 9473.

SECTION 12. Seven or more persons, citizens of the United States, and a majority of whom are citizens of this state, who desire to form a fraternal benefit society, as defined by this act, may make and sign (giving their addresses) and acknowledge before some officer competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated:

Articles of incorporation.

1st. The proposed corporate name of the society,

which shall not so closely resemble the name of any society or insurance company already transacting business in this state as to mislead the public or lead to confusion;

2d. The purpose for which it is formed—which shall not include more liberal powers than are granted by this act, provided that any lawful social, intellectual, educational, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the society—and the mode in which its corporate powers are to be exercised;

3d. The names, residences and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of the issuance of the permanent certificate.

Such articles of incorporation and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor and circulars to be issued by such society, and a bond in the sum of five thousand dollars, with sureties approved by the superintendent of insurance, conditioned upon the return of the advanced payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the superintendent of insurance, who may require such further information as he deems necessary, and if the purposes of the society conform to the requirements of this act, and all provisions of law have been complied with, the superintendent of insurance shall so certify and retain and record the articles of incorporation, and furnish the incorporators a preliminary certificate authorizing such society to solicit members as hereinafter provided.

Record.

Preliminary certificate.

Upon receipt of such certificate from the superintendent of insurance, said society may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not less than one regular monthly payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. But no such society shall incur any liability other than for such advanced payments, nor issue any benefit certificate nor pay or allow, or offer or promise to pay or allow, to any person any death or disability benefit until actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least one thousand dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society; nor until there shall be established ten

Society may solicit members, when.

Restrictions on liabilities.

subordinate lodges or branches into which such five hundred applicants have been initiated; nor until there has been submitted to the superintendent of insurance, under oath of the president and secretary, or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions, which shall be sufficient to provide for meeting the mortuary obligation, contracted, when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress August 23, 1899, or any higher standard at the option of the society, and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four per cent. per annum; nor until it shall be shown to the superintendent of insurance by the sworn statement of the treasurer, or corresponding officer of such society, that at least five hundred applicants have each paid in cash at least one regular monthly payment as herein provided per one thousand dollars of indemnity to be effected, which payments in the aggregate shall amount to at least twenty-five hundred dollars; all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

Such advanced payments shall, during the period of organization, be held in trust, and, if the organization is not completed within one year as hereinafter provided, returned to such applicants.

Examination by superintendent of insurance.

The superintendent of insurance may make such examination and require such further information as he deems advisable, and, upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to such society a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such society at the date of such certificate. The superintendent of insurance shall cause a record of such certificate to be made and a certified copy of such record may be given in evidence with like effect as the original certificate.

Certificate.

Expiration of preliminary certificate.

No preliminary certificate granted under the provisions of this section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the superintendent of insurance, upon cause shown; unless the five hundred applicants herein required have been secured and the organization has been completed as herein provided; and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of such preliminary certificate, or at the expiration of such extended pe-

riod, unless such society shall have completed its organization and commenced business as herein provided. When any domestic society shall have discontinued business for the period of one year, or has less than 400 members, its charter shall become null and void.

Every such society shall have the power to make a constitution and by-laws for the government of the society, the admission of its members, the management of its affairs and the fixing and readjusting of the rates of contribution of its members from time to time; and it shall have the power to change, alter, add to or amend such constitution and by-laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

Powers of society.

Section 9474. SECTION 13. Any society now engaged in transacting business in this state may exercise, after the passage of this act, all of the rights conferred thereby, and all of the rights, powers and privileges now exercised or possessed by it under its charter or articles of incorporation not inconsistent with this act, if incorporated; or, if it be a voluntary association, it may incorporate hereunder. But no society already organized shall be required to incorporate hereunder, and any such society may amend its articles of incorporation from time to time in the manner provided therein or in its constitution and laws, and all such amendments shall be filed with the superintendent of insurance and shall become operative upon such filing, unless a later time be provided in such amendments or in its articles of incorporation, constitution or laws.

What societies may incorporate but not compelled to do so.

Section 9475. SECTION 14. No domestic society shall merge with or accept the transfer of the membership or funds of any other society unless such merger or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of such merger or transfer, and filed with the superintendent of insurance of this state, together with a sworn statement of the financial condition of each of said societies, by its president and secretary, or corresponding officers, and a certificate of such officers, duly verified under oath of such officers of each of the contracting societies, that such merger or transfer has been approved by a vote of two-thirds of the members of the supreme legislative or governing body of each of said societies.

Merger by contract in writing.

Upon the submission of such contract, financial statements and certificates, the superintendent of insurance shall examine the same, and, if he shall find such financial statements to be correct and the such contract to be in conformity with the provisions of this section, and that such merger or transfer is just and equitable to the members of each of said societies, he shall approve such merger or transfer, issue his certificate to that effect and thereupon the such contract of merger or transfer shall be of full force and effect.

Approval of merger.

In case such contract is not approved, the fact of its

submission and its contents shall not be disclosed by the superintendent of insurance.

Section 9476.

SECTION 15. Societies which are now authorized to transact business in this state may continue such business until the first day of April next succeeding the passage of this act, and the authority of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding April; provided, however, the license shall continue in full force and effect until the new license be issued or specifically refused. For each such license of renewal the society shall pay the superintendent of insurance twenty-five dollars. A duly certified copy or duplicate of such license shall be prima facie evidence that the license is a fraternal benefit society within the meaning of this act.

License and renewal.

Fee.

Section 9477.

SECTION 16. No foreign society now transacting business, organized prior to the passage of this act, which is not now authorized to transact business in this state, shall transact any business herein without a license from the superintendent of insurance. Any such society shall be entitled to a license to transact business within this state upon filing with the superintendent a duly certified copy of its charter or articles of association; a copy of its constitution and laws, certified by its secretary or corresponding officer; a power of attorney to the superintendent as hereinafter provided; a statement of its business under oath of its president and secretary, or corresponding officers, in the form required by the superintendent, duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the superintendent of insurance of this state; a certificate from the proper official in its home state, province or country, that the society is legally organized; a copy of its contract, which must show that benefits are provided for by periodical, or other payments by persons holding similar contracts; and upon furnishing the superintendent such other information as he may deem necessary to a proper exhibit of its business and plan of working, and upon showing that its assets are invested in accordance with the laws of the state, territory, district, province or country where it is organized, he shall issue a license to such society to do business in this state until the first day of the succeeding April, and such license shall, upon compliance with the provisions of this act, be renewed annually, but in all cases to terminate on the first day of the succeeding April; provided, however, that license shall continue in full force and effect until the new license be issued or specifically refused. Any foreign society desiring admission to this state shall have the qualifications required of domestic societies organized under this act and have its assets invested as required by the laws of the state, territory, district, country, or province where it is organized. For each such license or renewal the society shall pay the superintendent twenty-five

License to foreign society and how obtained.

Renewal.

Qualifications.

Fee.

dollars. When the superintendent refuses to license any society, or revokes its authority to do business in this state, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the society, upon request, and the action of the superintendent shall be reviewable by proper proceedings in any court of competent jurisdiction within the state; provided, however, that nothing contained in this or the preceding section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time such society was legally authorized to transact business herein.

Refusal—revocation.

Section 9478. SECTION 17. Every society, whether domestic or foreign, now transacting business in this state shall, within thirty days after the passage of this act, and every such society, hereafter applying for admission, shall, before being licensed, appoint in writing the superintendent of insurance and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this state.

Supt. attorney for societies, on whom legal process shall be served.

Copies of such appointment, certified by such superintendent of insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service shall only be made upon such attorney, must be made in duplicate upon the superintendent of insurance or in his absence upon the person in charge of his office and shall be deemed sufficient service upon such society; provided, however, that no such service shall be valid or binding against any such society when it is required thereunder to file its answer, pleading or defense in less than thirty days from the date of mailing the copy of such service to such society. When legal process against any such society is served upon such superintendent of insurance he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its seeretary or corresponding officer. Legal process shall not be served upon any such society except in the manner provided herein.

Copies, sufficient evidence.

Time of pleading.

Section 9479. SECTION 18. Any domestic society may provide that the meetings of its legislative or governing body may be held in any state, district, province or territory wherein such society has subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this state; but its principal office shall be located in this state.

Place of meetings.

Section 9480. SECTION 19. Officers and members of the supreme, grand or any subordinate body of any such incorporated

Non-individual liability.

society shall not be individually liable for the payment of any disability or death benefit provided for in the laws and agreements of such society; but the same shall be payable only out of the funds of such society and in the manner provided by its laws.

Section 9481.

SECTION 20. The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the society, and the same shall be binding on the society and each and every member thereof and on all beneficiaries of members.

Section 9482.

Benefits not liable to process of law.

SECTION 21. No money or other benefit, charity or relief or aid to be paid, provided or rendered by any such society shall be liable to attachment, garnishment or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment.

Section 9483.

Changes of constitution must be filed with superintendent.

SECTION 22. Every society transacting business under this act shall file with the superintendent of insurance a duly certified copy of all amendments of or additions to its constitution and laws within ninety days after the enactment of the same. Printed copies of the constitution and laws as amended, changed or added to, certified by the secretary or corresponding officer of the society, shall be prima facie evidence of the legal adoption thereof.

Section 9484.

Verified statement of standing.

SECTION 23. Every society transacting business in this state shall annually, on or before the first day of March, file with the superintendent of insurance, in such form as he may require, a statement under oath of its president and secretary or corresponding officers, of its conditions and standing on the thirty-first day of December next preceding, and of its transactions for the year ending on that date and also shall furnish such other information as the superintendent may deem necessary to a proper exhibit of its business and plan of working. The superintendent may at other times require any further statement he may deem necessary to be made relating to such society.

Additional report of valuation.

In addition to the annual report herein required, each society shall annually report to the superintendent a valuation of its certificates in force on December 31, last preceding; excluding those issued within the year for which the report is filed, in cases where the contributions for the first year, in whole or in part, are used for current mortality and expenses; provided the first report of valuation shall be made as of December 31, 1912. Such report of valuation shall show, as contingent liabilities, the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and, as contingent assets, the present mid-year value of the future net contributions provided in

the constitution and laws as the same are in practice actually collected. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided, and such net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years.

Verified valuation.

Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the superintendent within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress April 23, 1899, or, at the option of the society, any higher table; or, at its option it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with interest assumption not more than 4 per centum per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society; provided, that where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience and in such case a separation of funds shall not be required.

Separate funds.

The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities.

Printed report to each beneficiary.

Beginning with the year 1914, a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June 1 of each year; or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed, may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full, and to provide for the creation and maintenance of the funds required by its laws, additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent

Increased assessments.

of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

Section 9485. SECTION 23a. If the valuation of the certificates, as hereinbefore provided, on December 31, 1917, shall show that the present value of future net contributions, together with the admitted assets, is less than ninety per centum of the present value of the promised benefits and accrued liabilities, such society shall be required thereafter to reduce such deficiency not less than five per centum of the total deficiency on such December 31, 1917, at each succeeding triennial valuation. If at any succeeding triennial valuation such society does not show such percentage of improvement, the superintendent shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has not made the percentage of improvement required herein, the superintendent may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provision of section 24 of this act, or, in the case of a foreign society, he may cancel its license to transact business in this state.

Reduction of deficiencies, when.

Cancellation of license.

Any such society, shown by any triennial valuation, subsequent to December 31, 1917, not to have made the improvement herein required shall, with in one year thereafter, complete such deficient improvement, or thereafter, as to all new members admitted, be subject, so far as stated rates of contribution are concerned, to the provisions of section 12 of this act, applicable in the organization of new societies; provided, that the contributions and funds of such new members shall be kept separate and apart from the other funds of the society until the required improvement shall be shown by valuation. If such required improvement is not shown by the succeeding triennial valuation, then such new members may be placed in a separate class and their certificates valued as an independent society in respect of contributions and funds.

Separate society.

Section 9486. SECTION 24. The superintendent of insurance, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers, agents and employes, or other persons in relation to the affairs, transactions and condition of the society.

Visitation and examination.

The expense of such examination shall be paid by the state upon statement furnished by the superintendent of insurance, and the examination shall be made at least once in three years.

Whenever after examination the superintendent of in-

surance is satisfied that any domestic society has failed to comply with any provisions of this act, or is exceeding its powers, or is not carrying out its contracts in good faith, or is transacting business fraudulently; or whenever any domestic society, after the existence of one year or more, shall have a membership of less than 400 (or shall determine to discontinue business), the superintendent of insurance may present the facts relating thereto to the attorney-general, who shall, if he deem the circumstances warrant, commence an action in quo warranto in a court of competent jurisdiction, and such court shall thereupon notify the officers of such society of a hearing, and if it shall then appear that such society should be closed, such society shall be enjoined from carrying on any further business and some person shall be appointed receiver of such society, and shall proceed at once to take possession of the books, papers, moneys and other assets of the society and shall forthwith, under the direction of the court, proceed to close the affairs of the society and to distribute its funds to those entitled thereto.

Action in quo warranto, on failure to comply with act.

No such proceedings shall be commenced by the attorney-general against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it, on a date to be named in such notice, to show cause why such proceedings should not be commenced.

Notice.

Section 9487. SECTION 25. No application for injunction against or proceedings for the dissolution of or the appointment of a receiver for any such domestic society or branch thereof shall be entertained by any court in this state unless the same is made by the attorney-general.

Application for receiver, etc.

Section 9488. SECTION 26. The superintendent of insurance, or any person whom he may appoint, may examine any foreign society transacting or applying for admission to transact business in this state. Such superintendent may employ assistants, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society, and may summon and quality as witness under oath and examine its officers, agents and employes and other persons in relation to the affairs, transactions and conditions of the society. He may, in his discretion, accept in lieu of such examination the examination of the insurance department of the state, territory, district, province or country where such society is organized. The actual expenses of examiners making any such examination shall be paid by the society upon statement furnished by the superintendent of insurance.

Examination of foreign societies.

If any such society or its officers refuse to submit to such examination, or to comply with the provisions of the section relative thereto, the authority of such society to write new business in this state shall be suspended or license refused until satisfactory evidence is furnished the superintendent relating to the condition and affairs of the

Effect of refusal.

society, and during such suspension the society shall not write new business in this state.

Section 9489. No publicity pending investigation.

SECTION 27. Pending, during or after an examination or investigation of any such society, either domestic or foreign, the superintendent of insurance shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any society, until a copy thereof shall have been served upon such society, at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding, and to make such showing in connection therewith as it may desire.

Section 9490. Causes for revocation. Notice. Review.

SECTION 28. When the superintendent of insurance on investigation is satisfied that any foreign society transacting business under this act has exceeded its powers, or has failed to comply with any provisions of this act, or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall notify the society of his findings, and state in writing the grounds of his dissatisfaction, and after reasonable notice require such society, on a date named, to show cause why its license should not be revoked. If on the date named in such notice such objections have not been removed to the satisfaction of such superintendent, or the society does not present good and sufficient reasons why its authority to transact business in this state should not at that time be revoked, he may revoke the authority of the society to continue business in this state. All decisions and findings of the superintendent made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction, as provided in section 16 of this act.

Section 9491. Lodges and societies excepted from this act.

SECTION 29. Nothing contained in this act shall be construed to affect or apply to grand or subordinate lodges of Masons, Odd Fellows or Knights of Pythias (exclusive of the insurance department of the Supreme Lodge Knights of Pythias), and the Junior Order of United American Mechanics (exclusive of the beneficiary degree or insurance branch of the National Council Junior Order United American Mechanics), or the National Council Daughters of America Benefit Department, or societies which limit their membership to any one hazardous occupation, nor to similar societies which do not issue insurance certificates, nor to an association of local lodges of a society now doing business in this state which provides death benefits not exceeding three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year—to any one person, or both, nor to any contracts of re-insurance business on such plan in this state, nor to domestic societies which limit their membership to the employes of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent

description, which do not provide for a death benefit of more than one hundred dollars, or for disability benefits of more than one hundred and fifty dollars to any one person in any one year; provided always, that any such domestic order or society which has more than five hundred members, and provides for death or disability benefits, and any such domestic lodge, order or society which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this section, but shall comply with all the requirements of this act; and provided, further, that nothing in sub-section 2, of section 5, and paragraph 3rd, of section 12, and section 23 and section 23a of this chapter, shall affect or apply to any corporation, society, order or voluntary association, which was prior to the first day of January, 1911, organized and doing business in this state on the lodge system, as provided in section 2 of this chapter, which issues death certificates in a sum not exceeding $500.00 to any one member, and whose membership is confined and limited exclusively to persons of one particular religious faith.

The superintendent of insurance may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this act.

No society, which is exempt by the provisions of this section from the requirement of this act, shall give or allow, or promise to give or allow, to any person any compensation for procuring new members.

Any fraternal benefit society, heretofore organized and incorporated and operating within the definition set forth in sections 1, 2 and 3 of this act, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this act, and shall have all the privileges and shall be subject to all provisions and regulations of this act, except that the provisions of this act requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits, shall not apply to such society.

Section 5365-1. SECTION 30. Every fraternal benefit society organized or licensed under this act is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal and school tax, other than taxes on real estate and office equipment. Funds exempt from taxation.

Section 13418-1. SECTION 31. Any person, officer, member or examining physician of any society, authorized to do business under this act, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under this act, shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine of Penalties.

not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

Any person who shall solicit membership for, or in any manner assist in procuring membership in any fraternal benefit society not licensed to do business in this state, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized as herein provided, to do business as herein defined in this state, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Any society, or any officer, agent or employe thereof neglecting or refusing to comply with, or violating any of the provisions of this act, the penalty for which neglect, refusal or violation is not specified in this section, shall be fined not exceeding two hundred dollars upon conviction thereof.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 32. All acts and parts of acts inconsistent with this act are hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

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Passed May 31st, 1911.

This bill was presented to the governor June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state June 19th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[House Bill No. 325.]

AN ACT

Changing the name of the Railroad Commission of Ohio, to that of the Public Service Commission of Ohio, defining the powers and duties of the latter commission with respect to public utilities, and to amend sections 501, 502 and 606 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 501, 502 and 606 of the General Code be amended to read as follows:

"Railroad" defined.

Sec. 501. The term "railroad" as used in this chapter shall include all corporations, companies, individuals, associations of individuals, their lessees, trustees, or receivers appointed by a court, which owns, operates, manages or controls a railroad or part thereof as a common carrier in this state, or which owns, operates, manages or controls any cars or other equipment used thereon, or which owns, operates, manages or controls any bridges, terminals, union depots, side tracks, docks, wharves, or storage elevators used in connection therewith, whether owned by such railroad or otherwise. Such term "railroad" shall mean and embrace express companies, water transportation companies and interurban railroad companies, and all duties required of and penalties imposed upon a railroad or an officer or agent thereof insofar as they are applicable, shall be required of and imposed upon express companies, water transportation companies and interurban railroad companies, their officers and agents. The commission shall have the power of supervision and control of express companies, water transportation companies and interurban railroad companies to the same extent as railroads.

Other companies.

Application of act.

Sec. 502. This chapter shall apply to the transportation of passengers and property between points within this state, to the receiving, switching, delivering, storing and handling of such property, and to all charges connected therewith, including icing charges and mileage charges, to all railroad companies, sleeping car companies, equipment companies, express companies, car companies, freight and freight line companies, to all associations of persons, whether incorporated or otherwise, which do business as common carriers, upon or over a line of railroad within this state, and to a common carrier engaged in the transportation of passengers or property wholly by rail or partly by rail and partly by water or wholly by water. In addition thereto the provisions of this act shall apply to the regulation of any and all other duties, services, practices and charges, of the railroad company, incident to the shipping and receiving of freight, which are proper subjects of regulation, excepting only, that they shall not apply to the regulation of commerce with foreign nations, and among the several states, and with the Indian tribes.

Assessment for maintaining commission, and how apportioned.

Sec. 606. For the purpose of maintaining the department of the public service commission of Ohio, and the exercise of police supervision of railroads and public utilities of the state by it, a sum not exceeding seventy-five thousand dollars each year shall be apportioned among and assessed upon the railroads and public utilities within the state, by the commission, in proportion to the intra state gross earnings or receipts of such railroads and public utilities for the year next preceding that in which the assessments are made.

Certificate of assessment to auditor of state.

On or before the first day of August next following, the commission shall certify to the auditor of state the amount of such assessment apportioned by it to each railroad and public utility and he shall certify such amount to the treasurer of state, who shall collect and pay the same into the state treasury to the credit of a special fund for the maintenance of the department of such public service commission.

Collection.

Section 614-1.

Name.

SECTION 2. The railroad commission of Ohio shall hereafter be known as the public service commission of Ohio. In addition to the powers, duties, and jurisdiction conferred and imposed upon said commission by chapter one, division two, title three, part first, of the General Code, and the acts mandatory or supplementary thereto, the public service commission of Ohio shall have and exercise the powers, duties, and jurisdiction provided for in this act.

Additional powers, duties and jurisdiction imposed and conferred.

Section 614-2.

SECTION 3. The following words and phrases used in this act, unless the same be inconsistent with the text shall be construed as follows:

The term "commission" when used in this act, or in chapter one, division two, title three, part first of the General Code and the acts amendatory or supplementary thereto means "The Public Service Commission of Ohio."

Definitions.

The term "commissioner" means one of the members of such commission.

Any person or persons, firm or firms, co-partnership or voluntary association, joint stock association, company or corporation, wherever organized or incorporated:

When engaged in the business of transmitting to, from, through or in this state, telegraphic messages, is a telegraph company;

When engaged in the business of transmitting to, from, through, or in this state, telephonic messages, is a telephone company and as such is declared to be a common carrier;

When engaged in the business of supplying electricity for light, heat or power purposes to consumers within this state, is an electric light company;

When engaged in the business of supplying artificial gas for lighting, power or heating purposes to consumers within this state, is a gas company;

When engaged in the business of supplying natural gas for lighting, heating, or power purposes to consumers within this state, is a natural gas company;

When engaged in the business of transporting natural gas or oil through pipes or tubing, either wholly or partly within this state, is a pipe line company;

When engaged in the business of supplying water through pipes or tubing, or in a similar manner to consumers within this state, is a water works company;

When engaged in the business of supplying water, steam, or air through pipes or tubing to consumers within this state for heating or cooling purposes, is a heating or cooling company;

When engaged in the business of supplying messengers for any purpose, is a messenger company;

When engaged in the business of signalling or calling by an electrical apparatus, or in a similar manner, for any purpose, is a signalling company;

When engaged in the business of operating, as a common carrier, a railroad, wholly or partly within this state, with one or more tracks upon, along, above or below any public road, street, alley, way or ground, within any municipal corporation, operated by any motive power other than steam, and not a part of an interurban railroad, whether such railroad be termed street, inclined plane, elevated, or underground railroad, is a street railroad company;

When engaged in the business of operating as a common carrier, whether wholly or partially within this state, a part of a street railway constructed or extended beyond the limits of a municipal corporation, and not a part of an interurban railroad is a suburban railroad company;

When engaged in the business of operating a railroad, wholly or partially within this state, with one or more tracks from one municipal corporation or point in this state to another municipal corporation or point in this state, whether constructed upon the public highways or upon private rights-of-way, outside of municipalities, using electricity or other motive power than animal or steam power for the transportation of passengers, packages, express matter, United States mail, baggage and freight, is an interurban railroad company, and included in the term "railroad" as used in section 501 of the General Code. The term "railroad," when used in this act, includes all railroads, interurban railroad companies, express companies, freight line companies, sleeping car companies, equipment companies, car companies, water transportation companies, and all persons and associations of persons, whether incorporated or not, operating such agencies for public use in the conveyance of persons or property within this state.

"Public utility" defined.

SECTION 4. The term "public utility" as used in this act, shall mean and include every corporation, company, co-partnership, person or association, their lessees, trustees or receivers, defined in the next preceding section, except such public utilities as operate their utilities not for profit, and except such public utilities as are, or may hereafter be

owned or operated by any municipality, and except such utilities as are defined as "railroads" in sections 501 and 502 of the General Code and these terms shall apply in defining "public utilities" and "railroads" wherever used in chapter one, division two, title three, part first of the General Code and the acts amendatory or supplementary thereto or in this act.

Section 614-3. Jurisdiction to regulate "public utilities" and "railroads."

SECTION 5. The public service commission of Ohio is hereby vested with the power and jurisdiction to supervise and regulate "public utilities" and "railroads" as herein defined and provided and to require all public utilities to furnish their products and render all services required by the commission, or by law.

Section 614-4.

SECTION 6. The jurisdiction, supervision, powers and duties of the public service commission shall extend to every public utility and railroad, the plant or property of which lies wholly within this state and when the property of a public utility or railroad lies partly within and partly without this state to that part of such plant or property which lies within this state, and to the persons or companies owning, leasing or operating the same, and to the records and accounts of the business thereof done within this state.

Section 614-5. Rules governing proceedings.

SECTION 7. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all valuations, tests, audits, inspections, investigations and hearings which shall be open to the public.

Section 614-6. Examination of witnesses and production of records.

SECTION 8. The commission shall have power, either through its members or by inspectors or employes duly authorized by it, to examine under oath, at any time and for assisting the commission in the performance of any powers or duties of the commission, any officer, agent or employe of any public utility or railroad or any other person, in relation to the business and affairs of such utility and to compel the attendance of such witness for the purpose of such examination. In case of disobedience on the part of any person or persons to comply with any order relating to the production or examination of books, contracts, records, documents and papers or in case of the refusal of any person to testify to any matter regarding which he may be lawfully interrogated by any such member, employe or inspector of the commission at any time or place, it shall be the duty of the common pleas court of any county or any judge thereof, on application of any member of the commission, to compel obedience by contempt proceedings as in the case of the disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Section 614-7. Examination of records.

SECTION 9. The commission shall have power, either through its members or by inspectors or employes duly authorized by it, to examine all books, contracts, records, documents and papers of any public utility, and by subpoena duces tecum to compel the production thereof, or of duly verified copies of the same or any of them, and to

compel the attendance of such witnesses as the commission may require to give evidence at such examination.

Section 614-8. SECTION 10. The commission shall have general supervision over all public utilities within its jurisdiction as hereinbefore defined, and shall have the power to examine the same and keep informed as to their general condition, their capitalization, their franchises and the manner in which their properties are leased, operated, managed, and conducted with respect to the adequacy or accommodation afforded by their service, and also with respect to the safety and security of the public and their employes, and with respect to their compliance with all provisions of law, orders of the commission, franchises and charter requirements. The commission, either through its members or inspectors or employes, duly authorized by it, may enter in or upon, for purposes of inspection, any property, equipment, building, plant, factory, office, apparatus, machinery, device and lines of any public utility. General supervision.

Section 614-9. SECTION 11. Every public utility shall file with the commission, when and as required by it, a copy of any contract, agreement or arrangement, in writing, with any other public utility relating in any way to the construction, maintenance or use of its plant or property, or any service, rate or charge. May require copy of contract.

Section 614-10. SECTION 12. The commission may establish a system of accounts to be kept by public utilities, or classify utilities and prescribe a system of accounts for each class and prescribe the manner in which such accounts shall be kept. Such system shall when practicable conform to the system prescribed by the tax commission of Ohio. It may also, in its discretion, prescribe the form of records to be kept by public utilities, and the commission may require that no other records be kept except as may be required by the laws of the United States or as may hereafter be required by the laws of this state. The commission shall, at all times, have access to all accounts kept by public utilities, and may designate any of its officers or employes to inspect and examine any and all such accounts. System of accounts. Form of records.

The commission, may, if it shall determine that any expenditures or receipts have been improperly charged or credited, order the necessary changes in such accounts. Changes in accounts.

Section 614-11. SECTION 13. Except in his report to the commission or when called on to testify in any court or proceeding, any such employe or agent who shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employe or agent shall be fined not less than fifty dollars, and not more than one hundred dollars, and shall thereafter be disqualified from acting as agent, or in any other capacity under the appointment or employment of the commission. Penalty for divulging information.

Section 614-12. SECTION 14. Every public utility shall furnish necessary and adequate service and facilities which shall be reasonable and just, and every unjust or unreasonable

Unreasonable charge prohibited.

charge for such service is prohibited and declared to be unlawful.

Section 614-13.

SECTION 15. Every public utility shall furnish and provide with respect to its business such instrumentalities and facilities as shall be adequate and in all respects just and reasonable. All charges made or demanded for any service rendered, or to be rendered, shall be just and reasonable, and not more than allowed by law or by order of the commission. Every unjust or unreasonable charge made or demanded for any service, or in connection therewith, or in excess of that allowed by law or by order of the commission, is prohibited and declared to be unlawful.

Section 614-14.

Rebates, special rates, free service, etc., prohibited.

SECTION 16. No public utility shall directly or indirectly, or by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person, firm, or corporation, a greater or less compensation for any services rendered, or to be rendered, except as provided in this act, than it charges, demands, collects, or receives from any other person, firm, or corporation for doing a like and contemporaneous service under the same, or substantially the same circumstances and conditions. Nor shall free service or service for less than actual cost be furnished for the purpose of destroying competition, and such free service and every such charge is prohibited and declared unlawful.

Section 614-15.

Undue advantage.

SECTION 17. No public utility shall make or give any undue or unreasonable preference or advantage to any person, firm, corporation, or locality, or subject the same to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Section 614-16.

Printed schedules of rates must be filed.

SECTION 18. Every public utility shall print and file with the commission, within ninety days after this act takes effect, schedules, showing all rates, joint rates, rentals, tolls, classifications and charges for service of each and every kind by it rendered or furnished, which were in effect at the time this act takes effect and the length of time the same has been in force, and all rules and regulations in any manner affecting the same. Such schedules shall be plainly printed and kept open to public inspection. The commission shall have power to prescribe the form of every such schedule, and may, from time to time, prescribe, by order, changes in the form thereof. The commission may establish rules and regulations for keeping such schedule open to public inspection, and may, from time to time, modify the same. A copy of such schedules or so much thereof as the commission shall deem necessary for the use and information of the public, shall be printed in plain type and kept on file or posted in such places and in such manner as the commission may order.

Section 614-17.

Reasonable arrangements allowed.

SECTION 19. Nothing in this act shall be taken to prohibit a public utility from entering into any reasonable arrangement with its customers, consumers or employes for the division or distribution of its surplus profits or providing for a sliding scale of charges or providing for a

minimum charge for service to be rendered, unless such minimum charge is made or prohibited by the terms of the franchise, grant or ordinance under which such public utility is operated, a classification of service based upon the quantity used, the time when used, the purpose for which used, the duration of use, and any other reasonable consideration, or providing any other financial device that may be practicable or advantageous to the parties interested. No such arrangement, sliding scale, minimum charge, classification or device shall be lawful unless the same shall be filed with and approved by the commission. Every such public utility is required to conform its schedules of rates, tolls and charges to such arrangement, sliding scale, classification or other device. Every such arrangement, sliding scale, minimum charge, classification or device shall be under the supervision and regulation of the commission, and subject to change, alteration or modification by the commission.

Approval.

Section 614-18. SECTION 20. No public utility shall charge, demand, exact, receive or collect a different rate, rental, toll or charge for any service rendered, or to be rendered, than that applicable to such service as specified in its schedule filed with the commission and in effect at the time. Nor shall any public utility refund or remit directly or indirectly, any rate, rental, toll or charge so specified, or any part thereof, nor extend to any person, firm or corporation, any rule, regulation, privilege or facility except such as are specified in such schedule and regularly and uniformly extended to all persons, firms and corporations under like circumstances for the like, or substantially similar, service.

Schedule rate collected.

Refunder or remitter not allowed.

Section 614-19. SECTION 21. The furnishing by any public utility of any product or service, at the rates, and upon the terms and conditions provided for in any existing contract, executed prior to the passage of this act, shall not be construed as constituting a discrimination, or undue or unreasonable preference, or advantage within the meaning specified.

Prior contract.

Provided, however, that when any such contract or contracts are or become terminable by notice, the commission shall have power, in its discretion, to direct by order, that such contract or contracts shall be terminated as and when directed by such order.

Section 614-20. SECTION 22. Unless otherwise ordered by the commission, no change shall be made in any rate, joint rate, toll, classification, charge or rental, in force at the time this act takes effect, or as shown upon the schedules which shall have been filed by a public utility in compliance with the requirements of this act, or by order of the commission, except after thirty days' notice to the commission, which notice shall plainly state the changes proposed to be made in the schedule then in force, and the time when the change, rate, charge, toll, classification or rental shall go into effect; and all proposed changes shall be plainly indicated upon existing schedules, or by filing new schedules thirty days

Change of rates. 30 days' notice.

prior to the time they are to take effect, but the commission may prescribe a less time when they may take effect.

Section 614-21. Complaint.

SECTION 23. Upon complaint in writing, against any public utility, by any person, firm or corporation, or upon the initiative or complaint of the commission that any rate, fare, charge, toll, rental, schedule, classification or service, or any joint rate, fare, charge, toll, rental, schedule, classification or service rendered, charged, demanded, exacted or proposed to be rendered, charged, demanded, or exacted, is in any respect unjust, unreasonable, unjustly discriminatory, or unjustly preferential or in violation of law, or that any regulation, measurement or practice affecting or relating to any service furnished by said public utility, or in connection therewith, is, or will be, in any respect unreasonable, unjust, insufficient or unjustly discriminatory or unjustly preferential, or that any service is, or will be, inadequate or cannot be obtained, the commission shall notify the public utility complained of that complaint has been made, and of the time and place when the same will be considered and determined, which notice shall be served upon the public utility not less than fifteen days before such hearing, and shall plainly state the matters or things complained of. The commission shall, if it appear that there are reasonable grounds for the complaint, at such time and place proceed to consider such complaint and may adjourn the hearing thereof from time to time. The parties thereto shall be entitled to be heard, represented by counsel and to have process to enforce the attendance of witnesses. A public utility may make complaint as to any matter affecting its own product or service with like effect as though made by a person, firm or corporation, in which event the commission shall publish notice thereof for ten days prior to such hearing in a newspaper of general circulation at the situs of such public utility.

Notice of complaint and time and place of hearing.

Rights of parties.

Publication, when.

Section 614-22. Separate hearings.

SECTION 24. When complaint is made of more than one rate, charge, or service, the commission may order separate hearings thereon and may consider and determine the matters complained of separately and at such times and places as it may prescribe. No complaint shall necessarily be dismissed because of the absence of direct damage to the complainant.

Section 614-23.

SECTION 25. Whenever the commission shall be of the opinion, after hearing, that any rate, fare, charge, toll, rental, schedule, classification or service, or any joint rate, fare, charge, toll, rental, schedule, classification, or service rendered, charged, demanded, exacted or proposed to be rendered, charged, demanded, or exacted, is, or will be, unjust, unreasonable, unjustly discriminatory or unjustly preferential or in violation of law, or the service inadequate, or that the maximum rates, charges, tolls or rentals chargeable by any such public utility are insufficient to yield reasonable compensation for the service rendered, and are unjust and unreasonable, the commission shall, with due regard among other things, to the value of all of

the property of the public utility actually used and useful for the convenience of the public, excluding therefrom the value of any franchise or right to own, operate or enjoy the same in excess of the amount, (exclusive of any tax or annual charge) actually paid to any political subdivision of the state or county, as the consideration for the grant of such franchise or right; and exclusive of any value added thereto by reason of a monopoly or merger and to the necessity of making reservation out of the income for surplus, depreciation and contingencies, and all such other matters as may be proper, according to the facts in each case, fix and determine the just and reasonable rate, fare, charge, toll, rental or service to be thereafter rendered, charged, demanded, exacted or collected for the performance or rendition of the service, and order the same substituted therefor; and thereafter, no change in the rate, fare, toll, charge, rental, schedule, classification or service, shall be made, rendered, charged, demanded, exacted or changed by such public utility without the order of the commission and any other rate, fare, toll, charge, rental, classification or service shall be deemed and held to be unjust and unreasonable, prohibited and unlawful. Upon application of any person or any public utility, and after notice to the parties in interest and opportunity to be heard as provided in this act for other hearings, has been given, the commission may rescind, alter or amend an order fixing any rate or rates, fare, toll, charge, rental, classification or service, or any other order made by the commission. Certified copies of such orders shall be served and take effect as provided for original orders.

May fix reasonable rate.

Rescind, alter or amend.

Section 614-24. SECTION 26. The commission shall have the right to investigate and determine the value of all the property, including the value of its physical property, of every public utility within its jurisdiction actually used and useful for the service and convenience of the public, whenever it deems the ascertainment of such value necessary in order to properly carry into effect any of the provisions of this act.

Valuation of property.

Section 614-25. SECTION 27. Before final determination of the value of the property of any public utility the commission shall, after due notice to such public utility, hold a public hearing as to such valuation and the provisions of section 23 of this act shall insofar as practicable, apply to such hearing.

Public hearing.

Section 614-26. SECTION 28. The commission may at any time upon its own motion make a revaluation of such property.

Section 614-27. SECTION 29. Whenever the commission shall be of the opinion, after hearing had upon complaint, as in this act provided, or upon its own initiative or complaint, served as in this act provided, that the rules, regulations, measurements or practices of any public utility with respect to its public service are unjust or unreasonable, or that the equipment or service thereof is inadequate, inefficient, improper or insufficient, or cannot be obtained, it shall determine the

Power to change rules and prescribe equipment.

regulations, practices and service thereafter to be installed, observed, used and rendered, and fix and prescribe the same by order to be served upon the public utility. It shall thereafter be the duty of such public utility and all of its officers, agents and official employes to obey the same and do everything necessary or proper to carry the same into effect and operation; provided, that nothing herein contained shall be so construed as to give to the commission power to make any order requiring the performance of any act or the doing of anything which is unjust or unreasonable or in violation of any law of the state or the United States.

Section 614-28. SECTION 30. Whenever the commission shall be of the opinion, after hearing had, as in this act provided, or upon its own initiative or complaint, as in this act provided, that repairs or improvements to the plant or equipment of any public utility, should reasonably be made, or that any additions thereto should reasonably be made, in order to promote the convenience or welfare of the public, or of employes, or in order to secure adequate service or facilities, the commission may make and serve an appropriate order with respect thereto, directing that such repairs, improvements, changes or additions be made within a reasonable time, and in a manner to be specified therein. Every such public utility, its officers agents and official employes shall obey such order and make such repairs, improvements, changes and additions required of such public utility by such order.

May order repairs, improvements, etc.

Section 614-29. SECTION 31. Every public utility having any equipment on, over or under any street, or highway, shall, subject to the provisions of section 9103 of the General Code, for a reasonable compensation, permit the use of the same by any other public utility whenever the commission shall determine as provided in section 32 hereof that public convenience, welfare and necessity require such use, or joint use, and such use or joint use will not result in irreparable injury to the owner or other users of such equipment, nor in any substantial detriment to the service to be rendered by such owners or other users.

Use of equipment over street, etc., by other public utility.

Section 614-30. SECTION 32. In case of failure to agree upon such use or joint use or the conditions or compensation for such use or joint use, any public utility may apply to the commission, and if after investigation the commission shall ascertain that the public convenience, welfare and necessity require such use or joint use and that it would not result in irreparable injury to the owner or other users of such property or equipment, nor in any substantial detriment to the service to be rendered by such owner or other users of such property or equipment, said commission shall by order direct that such use or joint use be permitted and prescribe reasonable conditions and compensation for such joint use.

Application on failure to agree.

Section 614-31. SECTION 33. Such use or joint use so ordered shall be permitted and such conditions and compensation so pre-

scribed shall be the lawful conditions and compensation to be observed, followed and paid, subject to recourse to the courts by any interested party as provided in this act. Any such order made by the commission may be revoked or from time to time revised by the commission. Conditions and compensation.

Section 614-32. SECTION 34. The commission shall have power, when deemed by it necessary to prevent injury to the business or interests of the public or any public utility of this state in case of any emergency to be judged by the commission, to temporarily alter, amend, or with the consent of the public utility concerned suspend any existing rates, schedules or order relating to or affecting any public utility or part of any public utility in this state. Such rates so made by the commission shall apply to one or more of the public utilities in this state or to any portion thereof as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission. Power to amend, alter or suspend schedule of rates.

Section 614-33. SECTION 35. The commission shall keep informed of all new construction, extensions and additions to the property of such public utilities and may prescribe the necessary forms, regulations and instructions to the officers and employes of such public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction. Construction accounts.

Section 614-34. SECTION 36. The commission shall ascertain and prescribe suitable and convenient standard commercial units of the product or service of any public utility, when the character of its product or service is such that it can be determined, and such units shall be the lawful units for the purposes of this act. Standard units.

Section 614-35. SECTION 37. Each such utility shall furnish to the commission in such form and at such times as the commission may require such accounts, reports and information as shall show completely and in detail the entire operation of the public utility in furnishing the unit of its product or service to the public. Report, etc.

Section 614-36. SECTION 38. The commission may ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the supply or quality or the product or service rendered by any public utility and prescribe reasonable regulations for examination and testing of such product or service and for the measurements thereof. It may establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto. Standards of measurement.

Section 614-37. SECTION 39. The commission may provide for the examination and testing of any and all appliances used for the measurement of any product or service of a public utility. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commis- Examination and test.

sion. The commission may declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fees to be paid by the consumer or user at the time the request is made, but to be paid by the public utility and repaid to the consumer or user if the appliance be found commercially defective or incorrect to the disadvantage of the consumer or user.

Section 614-38. Facts shall be public and records open.

SECTION 40. All facts and information in the possession of the commission shall be public, and all reports, records, files, books, accounts, papers and memoranda of every nature whatsoever in their possession shall be open to inspection by the public at all reasonable times, except when the commission shall determine it to be necessary to withhold for a reasonable time from the public any facts or information in its possession.

Section 614-39. Incrimination no excuse.

SECTION 41. No person shall be excused from testifying or from producing accounts, books and papers, in any hearing before the commission, or any member thereof, or any person appointed by it to investigate any matter or thing under its jurisdiction, on the ground or for the reason that the testimony or evidence might tend to incriminate him, or subject him to a penalty or forfeiture, but no such person shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

Section 614-40. Supplemental order.

SECTION 42. Whenever any rate, toll, charge or service, ordered substituted by the commission, shall be a joint rate, toll, charge or service, and the public utilities parties thereto, fail to agree upon the apportionment thereof within twenty days after the service of such order, the commission may, after hearing, make and issue a supplemental order fixing the apportionment of such joint rate, toll, charge or service between such public utilities, and the same shall take effect of its own force as a part of the original order.

Section 614-41. All orders take effect, when.

SECTION 43. All orders made by the commission shall, of their own force, take effect and become effective operative thirty days after service thereof, unless a different time be provided in the order.

Section 614-42. Railroad track connection. Complaint on failure. Hearing—order.

SECTION 44. When the tracks of a steam railroad, the tracks of an interurban or suburban railroad cross, connect or intersect and such tracks are of the same gauge, the companies owning such roads may connect the tracks of the roads so connecting, crossing or intersecting, so as to admit the passage of cars from one road to the other with facility. If any such road or roads fail, neglect or refuse to make such connection, upon complaint of any party authorized by the provisions of this chapter to file complaint, the commission shall proceed to hear and determine the same in a manner provided for making investigations, upon complaint. If upon such hearing the commission shall find it is

practicable and reasonably necessary to accommodate the public to connect such tracks and that when so connected, it will be practicable to transport over such road, cars without endangering the equipment, tracks or appliances of either company, then the commission shall make an order requiring such railroads to make connection, describing the terms and conditions, and apportion the cost thereof between the railroads. When such connection is made, the railroads parties thereto, according to their respective powers, shall afford all reasonable and proper facilities for the interchange of traffic between their respective lines for forwarding and delivering passengers and property, and without unreasonable delay or discrimination shall transfer, switch and deliver cars, freight or passenger, destined to a point on its own or connecting lines; but precedence may be given to live stock and perishable freight over other freight. Whenever a derailing device is required at the intersection of any railroads herein mentioned the same shall be installed, maintained and operated as required by such commission, which shall have full power and authority to prescribe the necessary rules and regulations for the operation of the same, and designate the company or companies that shall be responsible for the operation thereof.

Interchange of traffic.

Section 614-43. SECTION 45. Upon the application of any person, public utility or railroad aggrieved thereby, the commission may, upon written petition therefor, filed within thirty days after any order made by the commission shall have been entered upon its records, grant a rehearing of the matter upon which such order was based. Notice of such rehearing shall be given as required with respect to original hearings, of the time and place for the rehearing thereon. Upon such rehearing any party may offer additional evidence which could not, with reasonable diligence, have been offered on the former hearing. Upon such rehearing, the commission may change, modify, vacate or affirm its former order and make and enter such new order as may be deemed necessary.

Rehearing.

Section 614-44. SECTION 46. Any municipal corporation in which any public utility is established, may, by ordinance, at any time within one year before the expiration of any contract entered into under the provisions of sections 3644, 3982 and 3983 of the General Code between the municipality and such public utility with respect to the rate, price, charge, toll, or rental to be made, charge, demanded, collected or exacted, for any commodity, utility or service, by such public utility, or at any other time authorized by law proceed to fix the price, rate, charge, toll, or rental that such public utility may charge, demand, exact or collect therefor for an ensuing period, as provided in sections 3644, 3982 and 3983 of the General Code. Thereupon, the commission, upon complaint in writing, of such public utility, or upon complaint of one per centum of the electors of such municipal corporation, which complaints shall be filed within

Power of municipality to fix rate, etc.

Complaint—hearing.

sixty days after the passage of such ordinance, shall give thirty days' notice of the filing and pendency of such complaint to the public utlity and the mayor of such municipality, of the time and place of the hearing thereof, and which shall plainly state the matters and things complained of.

Accepted rate becomes operative, when.

If any public utility shall have accepted any rate, price, charge, toll, or rental fixed by ordinance of such municipality, the same shall become operative, unless within sixty days after such acceptance there shall have been filed with the commission, a complaint, signed by not less than three per centum of the qualified electors of such municipality. Upon such filing, the commission shall forthwith give notice of the filing and pendency of such complaint to the mayor of such municipality and fix a time and place for the hearing thereof. The commission shall, at such time and place, proceed to hear such complaint, and may adjourn the hearing thereof from day to day.

The filing of a complaint by a public utility, as herein provided, shall be taken and held to be the consent of such public utility to continue to furnish its product or service, and devote its property engaged therein to such public use during the term so fixed by ordinance or by the provisions of this act. Parties thereto shall be entitled to be heard, represented by counsel, and to have process to force the attendance of witnesses.

Section 614-45.

Rate will not be suspended or vacated, etc., without bond.

SECTION 47. No such complaint or appeal to the commission shall suspend, vacate, or set aside the rate, price, charge, toll or rental fixed by ordinance unless such public utility shall elect to charge the rate, price, charge, toll or rental in force and effect immediately prior to the taking effect of the regulation complained of and appealed from, and shall give an undertaking in such amount as the commission shall determine. The undertaking shall be filed with the commission and shall be payable to the state of Ohio for the use and benefit of the consumers affected by the regulation in question. The condition of the undertaking shall be that such public utility shall refund to each of its consumers, public or private, the amount collected by it in excess of the amount which shall finally be determined it was authorized to collect from such consumers. The commission shall make all necessary orders in respect to the form of such undertaking and the manner of making such refunders.

Section 614-46.

Finding as to rate.

SECTION 48. If the commission, after such hearing, shall be of the opinion that the rate, price, charge, toll or rental, so fixed by ordinance is or will be unjust or unreasonable, or insufficient to yield reasonable compensation for the service, the commission shall, with due regard to the value of all the property of the public utility actually used and useful for the convenience of the public, excluding therefrom the value of any franchise or right to own, operate or enjoy the same in excess of the amount (ex-

clusive of any tax or annual charge) actually paid to any political subdivision of the state or county as a consideration or the grant of such franchise or right; and exclusive of any value added thereto by reason of a monopoly or merger and to the necessity of making reservations from the income for surplus, depreciation and contingencies, and such other matters as may be proper, according to the facts in each case, fix and determine the just and reasonable rate, price, charge, toll or rental to be charged, demanded, exacted or collected by such public utility, during the period so fixed by ordinance, which shall not be less than two years, and order the same substituted for the rate, price, charge, toll or rental so fixed by ordinance or the commission may find and declare that the rate, price, charge, toll or rental, so fixed by ordinance, is just and reasonable, and ratify and confirm the same.

When effective.

No such rate, price, charge, toll or rental so determined by the commission shall become effective or valid until after the commission shall have ascertained and determined the valuation upon which such price, charge, toll or rental is based as provided in this act. And such valuation so determined shall be, at all times, open to public inspection. Thereupon the commission shall make inquiry and investigation with respect to the ability of such public utility to furnish its product during such period, if it be found that it is able so to do, the commission shall order the public utility in question to continue to furnish the same for the period and at the rate, price, charge, toll or rental so fixed and determined, and such public utility shall continue to furnish its product as provided in such order.

When act not applicable.

Section 614-47. SECTION 49. This act shall not apply to any rate, fare or regulation now or hereafter prescribed by any municipal corporation granting a right, permission, authority or franchise, to use its streets, alleys, avenues or public places, for street railway or street railroad purposes, or to any prices so fixed under sections 3644, 3982 and 3983 of the General Code, except as provided in sections 46, 47 and 48 of this act.

Section 614-48. SECTION 50. Every public utility shall file with the commission, at such times and in such form as it may prescribe, an annual report, duly verified, covering the yearly period fixed by the commission. The commission shall prescribe the character of the information to be embodied in such annual report, and shall furnish to each public utility a blank form therefor. If any such report is defective or erroneous, the commission may order the same to be amended within a prescribed time. Such annual reports shall be preserved in the office of the commission. The commission may, at any time, require specific answers to questions upon which it may desire information.

Annual report.

Section 614-49. SECTION 51. Every public utility shall carry a proper and adequate depreciation or deferred maintenance account, whenever the commission after investigation shall

Depreciation account.

determine that a depreciation account can be reasonably required. The commission shall ascertain, determine and prescribe what are proper and adequate charges for depreciation of the several classes of property for each public utility. The charge for depreciation shall be such as will provide the amount required over and above the cost and expense of maintenance to keep the property of the public utility in a state of efficiency corresponding to the progress of the art or industry. The commission may prescribe such changes in such charges for depreciation from time to time as it may find necessary.

Section 614-50. Depreciation fund.

SECTION 52. The moneys for depreciation charges thus provided for shall be set aside out of the earnings and carried as a depreciation fund. The moneys in such fund may be expended in new construction, extensions or additions to the property of the public utility, or invested, and if invested, the income from the investment shall also be carried in the depreciation fund. Such fund and the proceeds thereof, may be used for the purpose of renewing, restoring, replacing or substituting depreciated property in order to keep the plant in a state of efficiency. Such fund and the proceeds or income therefrom shall be used for no purpose other than as provided in this section, except upon the approval of the commission.

Section 614-51. Power to require additions and extensions.

SECTION 53. The council of any municipality shall have the power upon filing of an application therefor by any person, firm or corporation, to require of any public utility, by ordinance or otherwise, such additions or extensions to its distributing plant within such municipality as shall be deemed reasonable and necessary in the interest of the public, and, subject to the provisions of section 9105 of the General Code, to designate the location and nature of all such additions and extensions, the time within which they must be completed, and all conditions under which they must be constructed and operated. Such requirements and orders of the council shall be subject to review by the commission, as provided in sections 46 and 48 hereof. The council and commission in determining the practicability of such additions and extensions, shall take into consideration the supply of the product furnished by such public utility available, and the returns upon the cost and expense of constructing said extension and the amount of revenue to be derived therefrom, as well as the earning power of the public utility as a whole.

Section 614-52. Company not permitted to exercise right of franchise where another is giving adequate service.

SECTION 54. No telephone company shall exercise any permit, right, license or franchise that may have been heretofore granted but not actually exercised or that may hereafter be granted to own or operate a plant for the furnishing of any telephone service, thereunder in any municipality or locality, where there is in operation a telephone company furnishing adequate service, unless such telephone company first secures from the commission a certificate after public hearing of all parties interested that the exer-

cising of such license, permit, right or franchise is proper and necessary for the public convenience.

Section 614-53. SECTION 56. A public utility or a railroad, as defined in this act, may, when authorized by order of the commission, and not otherwise, issue stocks, bonds, notes and other evidences of indebtedness, payable at periods of more than twelve months after date thereof, when necessary for the acquisition of property, the construction, completion, extension or improvement of its facilities or for the improvement or maintenance of its service, or for the reorganization or readjustment of its indebtedness and capitalization, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility or railroad not secured or obtained from the issue of stocks, bonds, notes or other evidences of indebtedness of such public utility or railroad within five years next prior to the filing of an application therefor as herein provided, or for any of the aforesaid purposes except maintenance of service and except replacements in cases where the applicant shall have kept its accounts and vouchers of such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purposes for which said expenditure was made.

Power to issue stocks, bonds, etc.

The commission may, by order duly made, authorize the issue of bonds, notes, or other evidence of indebtedness, for the reimbursement of money heretofore actually expended from income for any of the aforesaid purposes, except maintenance of service and replacements prior to five years next preceding the filing of an application therefor, if such application for such consent be made prior to January 1, 1913.

Commission may authorize issue.

Provided, however, that it shall be the duty of the commission to authorize, on the best terms obtainable, such issues of stocks, bonds and other evidence of indebtedness as shall be necessary to enable any public utility to comply with the provisions of any contract heretofore made between such public utility and any municipality.

Section 614-54. SECTION 57. The proceedings for obtaining the consent and authority of the commission for such issue as provided in the next preceding section of this act, shall be as follows:

Proceedings to obtain authority.

(a) In case the stocks, bonds, notes, or other evidence of indebtedness are to be issued for money only, the public utility or railroad shall file with the commission a statement, signed and verified by the president and secretary thereof, setting forth:

(1) The amount and character of the stocks, bonds or other evidence of indebtedness.

(2) The purposes for which they are to be issued.

(3) The terms upon which they are to be issued.

(4) The total assets and liabilities of the public utility or railroad in such detail as the commission may require.

(5) If the issue is desired for the purpose of the reimbursement of money expended from income, as herein provided, the amount expended, when and for what purposes expended.

(6) Such other facts and information pertinent to the inquiry as the commission may require.

(b) If the stocks, bonds, notes or other evidence of indebtedness are to be issued, partly or wholly for property or services or other consideration than money the public utility or railroad shall file with the commission a statement, signed and verified by its president and secretary, setting forth:

(1) The amount and character of the stocks, bonds or other evidence of indebtedness proposed to be issued.

(2) The purposes for which they are to be issued.

(3) The description and estimated value of the property or services for which they are to be issued.

(4) The terms on which they are to be issued or exchanged.

(5) The amount of money, if any, to be received from the same in addition to the property, service or other consideration.

(6) The total assets and liabilities of the public utility or railroad in such detail as the commission may require.

(7) Such other facts and information pertinent to the inquiry as the commission may require. Provided however, that this section or the preceding section shall not apply to union depot companies heretofore organized, and under contract until the same are completed.

Section 614-55. SECTION 58. For the purpose of enabling the commission to determine whether it should issue such order, it shall hold such hearings, make such inquiries or investigation, examine such witnesses, books, papers, documents and contracts as it may deem proper. The order of the commission shall fix the amount, character and terms of any such issue, and the purposes to which the issue or any proceeds thereof shall be applied, and recite that the money, property, consideration or labor procured or to be procured or paid for by such issue, has been, or is reasonably required for the purposes specified in the order, and the value of any property, consideration or service as the case may be, as found by the commission for which in whole or in part, such issue is proposed to be made. No such public utility or railroad shall, without the consent of the commission, apply any such issue or its proceeds to any purpose not specified in the order. Such public utilities or railroads may issue notes for proper corporate purposes, and not in violation of any provision of this act, payable at periods of not more than twelve months without the consent of the commission, but no such notes shall, in whole or in part, directly or indirectly, be refunded by any issue

Hearings.

Order.

Application of proceeds.

of stocks or bonds, or by any evidence of indebtedness, running for more than twelve months without the consent of the commission. All stocks, bonds, notes or other evidence of indebtedness, issued by any public utility or railroad without the consent or permission of the commission, as herein provided, shall be void and of no effect. No interstate railroad or public utility shall be required, however, to apply to the commission for authority to issue stock, bonds, notes or other evidence of indebtedness for the acquisition of property, the construction, completion, extension or improvement of its facilities or the improvement or maintenance of its service outside the state, or for the discharge or refunding of obligations issued or incurred for such purposes or for reimbursement of moneys actually expended for such purposes outside of the state.

Issue without authority, void.

Section 614-56. SECTION 59. Where a public utility or railroad is, at the time this act takes effect, in the possession of one or more receivers or its property is under foreclosure, and a reorganization thereof is pending, any new company or companies that may hereafter be organized to acquire such property or any part thereof, shall be exempt from all the provisions of this act with respect to the issue of bonds, stocks and evidences of debt, provided that the total debts, obligations and securities of such new or reorganized company or companies exclusive of bonds, obligations, stocks and other securities that may be issued or authorized for additional capital shall not exceed the debts, obligations, stocks and other securities of the existing company or companies, and provided further that from and after its organization and the issue of such bonds, obligations, stocks and other securities as hereby permitted, all the provisions of this act shall apply to such new or reorganized company or companies.

Public utility in hands of receiver, etc., exempt from this act.

Section 614-57. SECTION 60. Any director, president, secretary, manager, officer or other official of any public utility or railroad who shall knowingly make any false statement to secure the issue of any stock, bond, note or other evidence of indebtedness, or who shall, by such false statement, procure the order of the commission for the issue of any stock, bond, note or other evidence of indebtedness, or issue with knowledge of such fraud, negotiate, or cause to be negotiated any such stock, bond, or other evidences of indebtedness in violation of this act, shall upon conviction thereof, be fined not less than five hundred dollars, or be imprisoned in the penitentiary for not less than one year or more than ten years.

Penalty for false statement.

Section 614-58. SECTION 61. No public utility or railroad shall declare any stock, bond or scrip dividend or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders, unless authorized by the commission so to do.

Dividend must be authorized.

Section 614-59. SECTION 62. The commission shall not have power to authorize the capitalization of any franchise or right to own, operate or enjoy any franchise whatsoever in excess

Capitalization.

of the amount (exclusive of any tax or annual charge) actually paid to any political subdivision of the state or county as the consideration for the grant of such franchise or right, nor shall the capital stock of a corporation formed by the merger or consolidation of two or more corporations exceed the sum of the capital stock of the corporation or corporations so consolidated or merged, at the par value thereof, and such sum or any additional sum actually paid in cash; nor shall any contract for consolidation or lease be capitalized in the stock of any corporation whatever; nor shall any such corporation hereafter issue any bonds against or as a lien upon any contract for consolidation or merger; nor shall the aggregate amount of the debt of such consolidated companies by reason of such consolidation be increased.

Section 614-60. Consent and approval of commission.

SECTION 63. With the consent and approval of the commission, but not otherwise:

(a) Any two or more public utilities, furnishing a like service or product and doing business in the same municipality or locality within this state, or any two or more public utilities whose lines intersect or parallel each other within this state, may enter into contracts with each other that will enable such public utilities to operate their lines or plants in connection with each other.

(b) Any public utility may purchase, or lease the property, plant or business of any other such public utility.

(c) Any such public utility may sell or lease its property or business to any other such public utility.

(d) Any such public utility may purchase the stock of any other such public utility.

The proceedings for obtaining the consent and approval of the commission for such authority, shall be as follows:

Petition.

There shall be filed with the commission a petition, joint or otherwise, as the case may be, signed and verified by the president and secretary of the respective companies, clearly setting forth the object and purposes desired, stating whether or not it is for the purchase, sale, lease or making of contracts or for any other purpose in this section provided and also the terms and conditions of the same. The commission shall, upon the filing of such petition, if it deem the same necessary, fix a time and place for the hearing thereof. If, after such hearing or in case no hearing is required, the commission is satisfied that the prayer of such petition should be granted and the public will thereby be furnished adequate service for a reasonable and just rate, rental, toll, or charge therefor, it shall make such order in the premises as it may deem proper and the circumstances require, and thereupon it shall be lawful to do the things provided for in such order.

Hearing.

Section 614-61.

SECTION 64. With the consent and approval of the commission, but not otherwise, any two or more telephone companies, defined in this act, and doing business in this

state or partly within and partly without this state, may consolidate with each other, when such telephone companies shall have complied with the orders and requirements of the commission and the provisions of this act. Merger.

Such telephone companies shall file with the commission a joint petition for such consolidation, signed and verified by the president and secretary of the respective companies, in which shall be set forth in detail, all of the terms, conditions and proceedings pertaining to such consolidation and in such form as the commission may require, and thereupon the commission shall fix a time and place for the hearing of such petition. Petition.

If, after such hearing, the commission is satisfied that such consolidation will promote public convenience, and will furnish the public adequate service for a reasonable rate, rental, toll or charge therefor, it shall make an order authorizing such consolidation, which order before taking effect shall be filed with the secretary of state. Other proceedings relating to such consolidation shall be in the manner and with the effect, not inconsistent with the provisions of this act, as is provided for in the consolidation of railroad companies under the laws of this state. Order.

No consolidation, purchase, lease or contract by which two or more telephone companies merge or operate their lines or plants jointly or in connection with each other, shall become valid or effective until after the commission shall have ascertained and determined the valuation as provided in this act upon which the rates, tolls, charges and rentals are based and also shall have fixed and determined such rates, tolls, charges and rentals so to be charged. Valuation, rates, etc.

All valuations so ascertained and determined shall be at all times open to public inspection.

Section 614-62. SECTION 65. All such contracts, leases, purchases, sales or consolidations not made pursuant to the provisions of this act or contrary hereto shall be void and of no effect. Void contracts.

Section 614-63. SECTION 66. The commission shall have the power upon complaint, in writing, by any person, or on its own initiative, by order, to require any two or more telephone companies whose lines or wires form a continuous line of communication, or could be made to do so by the construction and maintenance of suitable connections or the joint use of equipment, or the transfer of messages at common points, between different localities which cannot be communicated with or reached by the lines of either company alone, where such service is not already established or provided for, unless public necessity requires additional service, to establish and maintain through lines within the state between two or more such localities. The joint rate or charges for such service shall be just and reasonable and the commission shall have power to establish the same, and declare the portion thereof to which each company affected thereby shall be entitled and the manner in which the same shall be secured and paid. All necessary con- Power to form continuous line. Charges, rates, etc.

struction, maintenance and equipment in order to establish such service shall be constructed and maintained in such manner and under such rules, with such division of expense and labor as shall or may be required by the commission.

Section 614-64.

SECTION 67. Every public utility or railroad and every officer thereof, shall obey, observe, and comply with every order, direction and requirement of the commission, made under authority of this act, so long as the same shall be and remain in force. Any public utility or railroad herein defined which violates any provision of this act, or which after due notice fails, omits or neglects to obey, observe or comply with any order or any direction or requirement of the commission officially promulgated shall forfeit and pay to the state not to exceed one thousand dollars for each such failure, omission or neglect and each day's continuance thereof shall be deemed and held to be a separate offense.

Penalty on failure to comply with orders.

Section 614-65.

SECTION 68. Whoever being an officer, agent or employe in an official capacity, of a public utility or railroad defined in this act, knowingly violates any provisions of this act, or wilfully fails, omits or neglects to obey, observe or comply with any lawful order or direction of the commission made with respect to any public utility or railroad shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned not more than two years, or both, and each day's continuance of such failure, omission or neglect shall constitute a separate offense.

Penalty.

Section 614-66.

SECTION 69. Actions to recover penalties and forfeitures provided for in this act, shall be prosecuted in the name of the state and may be brought in the court of common pleas of any county in which the public utility or railroad may be located. Such action shall be commenced and prosecuted by the attorney general, when directed so to do by the commission. Moneys recovered by such action shall be deposited in the state treasury to the credit of the general revenue fund.

Title of action.

Section 614-67.

SECTION 70. Whenever the commission shall be of the opinion that any public utility or railroad has failed, omitted or neglected to obey any order made with respect thereto, or is about to fail or neglect so to do, or is permitting anything, or about to permit anything contrary to, or in violation of law, or an order of the commission, duly authorized under the provisions of this act, the attorney general, upon the request of the commission, shall commence and prosecute such action, actions, or proceedings in mandamus or by injunction in the name of the state, as may be directed by the commission, against such public utility or railroad, alleging the violation complained of and praying for proper relief, and in such case the court may make such order as may be proper in the premises.

Mandamus—injunction.

Section 614-68.

SECTION 71. If any public utility or railroad does, or

causes to be done, any act, matter, or thing prohibited by this act, or declared to be unlawful, or shall omit to do any act, matter or thing required by this act, or by order of the commission, such public utility or railroad shall be liable to the person, firm or corporation injured thereby in treble the amount of damages sustained in consequence of such violation, failure or omission; provided, that any recovery under this section shall in no manner affect a recovery by the state for any penalty provided for in this act.

Treble damages on violations.

Section 614-69. SECTION 72. A public utility or railroad or other party in interest, dissatisfied with an order of the commission fixing or substituting or confirming any fare, toll, price, rate, charge, rental, schedule or classification, or any order fixing or substituting or confirming any regulation, practice, act or service, or any other order, finding, determination, direction or requirement of the commission, may commence an action in the court of common pleas of Franklin county or of the county in which is located the principal office of the public utility or railroad within sixty days after such order is made, against the commission as defendant, to vacate and set aside such order on the ground that the fare, toll, price, rate, charge, rental, schedule or classification fixed in such order, is unlawful or unreasonable, or that the regulation, practice, act or service, fixed in such order is unlawful or unreasonable; or that the order, finding, determination, direction or requirement of the commission is unlawful or unreasonable; in which action summons may be issued to any county or counties in this state and there served upon the adverse parties. Such action shall proceed as provided in sections 544, 545, 546, 547, 548, 549, 550, 551, 552 of the General Code, which sections shall apply to public utilities with the same force and effect as to railroads.

Action to vacate order, etc.

Section 614-70. SECTION 73. Upon the commencement of any such action, the operation of the order, finding, determination, direction or requirement complained of shall not be suspended until the determination of said action, unless the court or a judge thereof, after notice of and hearing, shall otherwise order and the court or judge thereof may, after hearing, fix the terms and conditions for the suspension of said order, finding, determination, direction or requirement or any part thereof.

Suspension of order, when.

Provided, however, that the commencement of such action to vacate and set aside any order of the commission with respect to any fare, toll, price, rate, charge, or rental, shall vacate and suspend the order of the commission sought to be vacated, if such public utility or railroad shall elect to charge the fare, toll, price, rate, charge, or rental in force and effect immediately prior to the entering of such order of the commission, and shall give an undertaking in such amount as the court shall determine. The undertaking shall be filed with the court and shall be pay-

Bond.

able to the state of Ohio for the use and benefit of the users affected by the order of the commission. The condition of the undertaking shall be that the public utility or railroad shall refund to each of such users, public or private, the amount collected by it in excess of the amount which shall finally be determined it was authorized to collect from such users. The court shall make all necessary orders in respect to the form of such undertaking and the manner of making such refunders.

Section 614-71. Service of order.

SECTION 74. Every order provided for in this act, shall be served upon every person or corporation to be affected thereby, either by personal delivery or a certified copy thereof, or by mailing a certified copy thereof, in a sealed package with postage prepaid, to the person to be affected thereby, or in the case of a corporation, to any officer or agent thereof, upon whom a summons may be served. It shall be the duty of every person and corporation to notify the commission forthwith, in writing, of the receipt of the certified copy of every order so served, and in the case of a corporation such notification must be signed and acknowledged by a person or officer duly authorized by the corporation to admit such service. Within a time specified in the order of the commission every person or corporation upon whom it is served must if so required in the order notify the commission in like manner whether the terms of the order are accepted and will be obeyed.

Section 614-72.

SECTION 75. Nothing in this act contained shall prevent any public utility or railroad from granting the whole or any part of its property for any public purpose, or granting reduced rate or free service of any kind to the United States government, the state government or any political division or subdivision thereof, or for charitable purposes or for fairs or expositions or to any officer or employe of such public utility or railroad or his family and all contracts and agreements made or entered into by such public utility or railroad for such use, reduced rates, or free service shall be valid and enforcible at law.

Free service or reduced rates valid, when.

Section 614-73.

SECTION 76. No franchise, permit, license or right to own, operate, manage or control any public utility, herein defined as an electric light company, gas company, water works company or heating and cooling company, shall be hereafter granted or transferred to any corporation not duly incorporated under the laws of Ohio.

Limitation.

Section 614-74.

SECTION 77. Companies formed to acquire property or to transact business which would be subjected to the provisions of this act, and companies owning or possessing franchises for any of the purposes contemplated in this act, shall be deemed and held to be subject to the provisions of this act, although no property may have been acquired, business transacted or franchises exercised.

Section 614-75.

SECTION 78. The act, omission or failure of any officer, agent or other person, acting for or employed by a public utility or railroad, while acting within the scope

of his employment, shall be deemed and held to be the act or failure of the public utility or railroad.

Section 31-2. SECTION 79. The commission shall have an official seal which shall be one inch and three-quarters in diameter, with such design as the commission may prescribe engraved thereon, and surrounded by the words "The Public Service Commission of Ohio," with which its proceedings shall be authenticated and of which the courts shall take judicial notice. Seal.

Section 614-76. SECTION 80. The commission shall charge and collect for furnishing any copy of any paper, record, testimony or writing made, taken or filed under the provisions of this act, except such transcripts and other papers as are required to be filed in any court proceedings herein authorized, whether under seal and certified to or otherwise, the same fees now charged by the secretary of state, and such fees itemized shall be paid into the state treasury on the first day of each month. Upon application of any person, and payment of the proper fee therefor, the commission shall furnish certified copies under the seal of the commission, of any order made by it, which shall be prima facie evidence in any court of the facts stated therein. The copies of schedules and classifications and tariffs of rates, tolls, prices, rentals, regulations, practices, services, fares and charges, and of all contracts, agreements and arrangements between public utilities and railroads, or either, filed with the commission as herein provided, and the statistics, tables and figures contained in the annual or other reports of such companies made to the commission as required under the provisions of this act, shall be preserved as public records in the custody of the commission and shall be received as prima facie evidence of what they purport to be, for the purpose of investigations and prosecutions by the commission and in all judicial proceedings; and copies of and extracts from any of such schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the commission under the seal of such commission, shall be received in evidence with like effect as the originals. Also copies of any order made by such commission certified under the seal of such commission, shall be furnished to any person upon application. Fees.

Section 614-77. SECTION 81. The commission shall, whenever called upon by any officer, board or commission now existing or hereafter created in the state or any political subdivision thereof, furnish any data or information to such officer, board or commission and shall aid or assist any such officer, board or commission in performing the duties of his or its office, and all officers, boards or commissions now existing or hereafter created in the state or any political subdivision thereof, shall furnish to the commission, upon request, any data or information which will assist such com- Information furnished by commission.

mission in the discharge of the duties imposed upon it by this act.

Section 614-78. SECTION 82. If the commission after investigating shall find that any rate, joint rate, fare, charge, toll, rental, schedule or classification of service is unjust, unreasonable and insufficient or unjustly discriminatory or unjustly preferential or in violation of law or otherwise in violation of any provisions of this act or that any service is inadequate or cannot be obtained the public utility found to be at fault shall pay the expenses incurred by the commission upon such investigation.

Costs and expenses.

All fees, expenses and costs of or in connection with any hearing or investigation may be imposed by the commission upon any party to the record, or may be divided between any or all parties to the record in such proportion as the commission may determine.

Section 614-79. SECTION 83. Whoever, being a member of the commission, shall wilfully overvalue the property of a public utility for the purpose of enabling such public utility to exact a higher rate for service than could lawfully be exacted, or, shall wilfully undervalue such property for the purpose of preventing such public utility from charging a lawful rate for such service shall be fined not to exceed one thousand dollars or be imprisoned not more than two years or both.

Penalty for wilful over or under valuation.

Section 614-80. SECTION 84. The commission shall annually as early as the fifteenth day of December, make and deliver to the governor, a full report of the operation and execution of all laws which it is herein required to administer, for the year ending November 15th, twenty-five hundred copies, which shall be printed in book form for the use of the general assembly and the public. In addition thereto, it shall make such recommendations to the general assembly as it may from time to time deem proper.

Report to governor.

Section 614-81. SECTION 85. The commission may appoint a secretary, and such number of assistants, clerks, experts, accountants, examiners, inspectors and stenographers as, in its opinion may be necessary, and fix their compensation, which shall be paid out of the state treasury upon the warrant of the auditor upon presentation of vouchers signed by the chairman and secretary of the commission. But all appointments, salaries and compensations shall be first approved by the governor. The commissioners and their assistants, shall receive from the state their actual and necessary expenses while traveling on the business of the commission. An itemized statement of such expenses must be sworn to by the person who incurred them, and such statement shall be filed with the commission and approved by it before payment is made.

Assistants, appointment and approval.

Salaries and expenses.

Section 614-82. SECTION 86. Each section of this act, and every part thereof, is hereby declared to be independent sections and parts of sections and the holding of any section or part

thereof to be void or ineffective for any cause, shall not be deemed to affect any other section or part thereof.

Section 62250-2. SECTION 87. Each of the members of the commission shall receive an annual salary of six thousand dollars, payable in the same manner as the salaries of other state officers are paid. Salary.

Section 614-83. SECTION 88. The total annual expenditures of the commission shall not exceed the sum of seventy-five thousand dollars, in addition to such sum or sums as may be derived under section 606 of the General Code.

The sectional numbers on the margin hereof are designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 89. That said original sections 501 and 502 and section 606 of the General Code be and the same are hereby repealed.

SECTION 90. This act shall take effect and be in force from and after June 30th, 1911.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
Passed May 31st, 1911. *President of the Senate.*

This bill was presented to the Governor on June 2, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 21, 1911.

JOHN W. DEVANNEY,
Veto Clerk.
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[House Bill No. 489.]

AN ACT

To provide for the construction of joint county ditches.

Be it enacted by the General Assembly of the State of Ohio:

Section 6563-1. SECTION 1. When it is proposed to construct or improve a ditch or to improve or straighten a natural water course which will require location in two or more counties, or which will cut off any of the water which flows into one county from one or more counties, such improvement may be made according to the following provisions: A petition for such improvement shall be filed by fifty or more persons interested therein with the auditor of one of said several counties. Petition.

Section 6563-2. SECTION 2. Any ditch constructed under the provisions of this act may be so constructed that it will take the water out of its natural course and cause the same to flow through said ditch in a different direction and find its outlet at a different place than it would naturally. Change of water course.

Section 6563-3. SECTION 3. Said petition shall set forth the general character of the proposed improvement together with the Contents of petition.

route and termini thereof and the different counties affected thereby, together with the prayer for the location thereof, and shall contain a statement of the time at which it is desired that the commissioners shall meet for the consideration thereof.

Sec. 6563-4. Bond.

SECTION 4. Said petitioners shall file with said petition a bond with sufficient sureties to the satisfaction of the auditor with whom said petition is filed, payable to the state of Ohio, conditioned that the petitioners will pay all costs and expenses made and incurred on account of the filing of said petition in case the joint board shall not cause surveyors to be appointed as herein provided.

Sec. 6563-5. Notice to other counties.

SECTION 5. Upon the filing of said petition, the auditor of the county in which the same is filed shall give notice to the auditors of the other counties affected by said ditch improvement of the filing thereof and each of said auditors shall give notice to the commissioners of his county of the filing thereof and the time set for the hearing of the same, and it shall be the duty of the commissioners of said several counties to meet at the office of the commissioners of the county having the largest population at the time named in said petition.

Sec. 6563-6. Joint board. Organization.

SECTION 6. When said commissioners so meet they shall constitute a joint board of county commissioners and the chairman of the board of commissioners of the county in which the petition was filed shall be the temporary chairman of said joint board. Said joint board shall organize by electing one of their number permanent chairman and by choosing the auditor of one of said counties to be the secretary of said joint board and shall determine the place at which the meeting of said joint board shall be held. And the next meeting of said joint board shall be held not earlier than twenty days nor later than thirty days after said meeting at which said joint board shall organize.

Sec. 6563-7. Decisions and record.

SECTION 7. A majority of the members of said joint board shall decide all questions before said joint board, and all votes shall be "yea" and "nay" and recorded on the record, and if a majority of the members of said joint board find that said ditch or improvement is necessary and will be conducive to the public health, convenience and welfare, then said ditch or improvement shall be constructed as prayed for in said petition or in substantial compliance therewith, as may be ordered and directed by said joint board, and said joint board shall have the power to change the route of said proposed ditch, keeping the general course named in the petition, and said joint board shall have the power to adjourn from time to time as the business thereof may be required.

Sec. 6563-8.

SECTION 8. After having determined the place at which the future meetings of said board shall be held the secretary of said joint board so appointed shall notify the auditors of the several counties of the place at which the meetings of said joint board shall be held and of the next

meeting thereof, as provided in section 5, and it shall be the duty of the auditor of each county to cause notice of the filing of said petition and the prayer thereof and the fact that the prayer of said petition will be considered by said joint board at said meeting giving the date and place thereof to be published in two newspapers of opposite politics published and having general circulation in his county. Said notice shall be published one week, and shall be evidenced by the certificate of the auditor copied upon the record.

Publication of notice of filing petition.

Sec. 6563-9. SECTION 9. At said first meeting provided for in section 5, or at any adjournment thereof as said joint board shall determine, said joint board shall hear evidence and arguments for and against the establishment of said ditch and improvement, and if said joint board determines to proceed with said improvement, it shall then at once order the county surveyor of each of said counties named in said petition to meet and go over the line of said proposed improvement and make plans, specifications and profiles thereof and an estimate of the cost of the same, including the cost of protecting the mouth of said ditch with piers or abutments according to the plans made by said surveyors, if it is determined to be necessary so to protect said mouth, together wth a map showing all of the lands in each of said counties which will be benefited or affected thereby, and said surveyors shall make a map for each county separately showing the lands which will be benefited in said county, together with a description of said lands, including the acreage thereof, and the names of the owners of the same.

Hearing.

Surveys, plans and specifications.

Maps.

Sec. 6563-10. SECTION 10. If the joint board shall determine that said surveyors shall be so appointed, then the bond given by said petitioners shall be released from liability. But if said joint board determines not to proceed with said petition, then said petitioners shall pay the expenses of said proceeding.

Sec. 6563-11. SECTION 11. Said surveyors shall constitute a board of surveyors and shall organize in such manner as they may deem proper, and said surveyors shall have the power to go over the line of said proposed ditch and on to any land for the purpose of preparing said plans, specifications and profiles, and shall have the right to stake out said ditch.

Board of surveyors.

Sec. 6563-12. SECTION 12. All lands which drain into any creek or ditch into which any water from an upper county flows and which water will be cut off by the proposed improvement shall be deemed benefited by said improvement and shall be so reported by said surveyors.

Benefits.

Sec. 6563-13. SECTION 13. If said surveyors fail to agree as to the land which will be benefited by said improvement, a majority of said surveyors shall join in a report which shall be deemed the report of said surveyors with reference to the land which will be benefited, and if there are an equal number of surveyors and said surveyors are divided equally

Report of surveyors.

upon their report of the benefited property, then they shall have the power to call in another surveyor who shall not be a resident or taxpayer in any county affected by said improvement, and a majority of said board so constituted shall then decide said question. Said board of surveyors may prepare a joint report, or may, as to plans, specifications, profiles and estimates, prepare a majority and minority report, or prepare several reports, and when said surveyors have prepared their report, or reports, they shall file the same with the secretary of the said joint board, and said secretary shall notify the members of said joint board of the filing of said report, fixing a time not later than fifteen days thereafter when said joint board shall meet and examine the report or reports of said surveyors and shall approve the same or any one thereof, or reject them, and said joint board shall have power to cause any report to be altered or amended, and if said board approves said report or any one of them as originally filed or as amended they shall adjourn to some day to be fixed by said board, and said joint board shall fix a time at which it will finally determine the question of the allowance of said petition and the auditors of the several counties shall be notified of said fact, and shall furnish to the auditor of each county the map and description and names of owners of benefited lands in his county as reported by said surveys, as provided in section 8, as amended by said joint board.

Joint, majority and minority reports.

Alterations and amendments.

Sec. 6563-14. SECTION 14. If upon consideration of the reports of said surveyors said joint board shall determine to abandon said proceedings, it may dismiss the same, and the costs of said proceedings shall be paid by each county equally upon the order of the joint board, and the secretary thereof shall certify the amount to be paid by each county to the auditor thereof, and the auditor shall draw his warrant for the amount, and it shall be paid by the treasurer of the county.

Costs when proceeding abandoned.

Sec. 6563-15. SECTION 15. Upon the receipt of the notice provided for in section 12, the auditors of the respective counties shall cause notice of the filing of said petition, and that the question of the allowance of the prayer of said petition will be heard before said joint board at the time and place so fixed and determined to be served either personally or by copy left at the usual place of residence of the persons named in said report of the surveyors in their respective counties at least thirty days before the date of said hearing.

Notice of time and place of hearing.

Sec. 6563-16. SECTION 16. In case any of the owners of said property are not residents of said county where said land is located, or the owners thereof cannot, with reasonable diligence, be ascertained, service shall be made by publication inserted once a week for two weeks in two newspapers of opposite politics of general circulation in the county, and said thirty days shall be reckoned from the date of said last publication. The fact of said publication shall be proven by the certificate of the auditor of the county where-

Notice to non-residents.

in said publication is made, and by a copy thereof entered upon the records of said county.

Sec. 6563-17. SECTION 17. At the time fixed for said hearing said joint board shall meet and first determine whether all persons have been served with notice as herein required, and in case the service has not been complete then said joint board shall adjourn and cause notice to be served so as to make the same complete. Procedure.

Sec. 6563-18. SECTION 18. When all persons have been served with notice as herein provided the commissioners shall hear evidence and arguments in favor or against said petition, and shall grant or reject the prayer of said petition.

Sec. 6563-19. SECTION 19. If the prayer of said petition is granted, said joint board shall establish said ditch and cause said improvement to be made in accordance with the plans, specifications and profiles heretofore adopted by said joint board or as modified by said joint board as above provided.

Sec. 6563-20. SECTION 20. If at said hearing the prayer of said petition is rejected and said improvement is not ordered, the costs of said improvement shall be paid by said several counties equally, and the same shall be paid as provided in section 13.

Sec. 6563-21. SECTION 21. Any person or corporation whose lands are taken or affected in any way by said improvement, or who claims that he will be damaged in any way or manner thereby, may make application, in writing, for compensation or damages; which application, in writing, shall be filed with the auditor of the county in which the lands which it is claimed will be damaged is located, on or before the day of the final hearing of said petition as provided in section 12, and in case no claim for compensation or damages is so filed within said time, the right thereto shall be deemed waived. Application for compensation and damages.

Sec. 6563-22. SECTION 22. The auditors of the several counties immediately upon the filing of said claim for compensation or damages, shall transmit the same to the secretary of the joint board, and immediately after granting the prayer of said petition, if the same is granted, said joint board shall proceed to hear and determine all claims for compensation or damages so filed, and shall fix and allow such compensation for lands appropriated as may be deemed just and equitable and assess such damages as will, in the judgment of said board, accrue from the construction of said ditch to each person or corporation making application therefor and without such application to each idiot, insane person or minor owning lands taken or affected by the improvement. But such compensation shall be granted without deduction for benefits to any property of said person or corporation. Hearing on claims.

Sec. 6563-23. SECTION 23. Appeals shall be allowed from the decision of said joint board upon said claims for compensation or damages to the probate court of the county in which the land which will be taken or which it is claimed will be damaged Appeal.

is located in the same manner and form as appeals are allowed from the decision of the commissioners of a county in proceedings for the location of a county ditch, and the same proceedings shall be had upon said appeal except that the only question which shall be determined by said appeal shall be the amount of compensation or damages, and the joint board shall be the appellee in any such appeal, and the prosecuting attorney of the county in which said appellee is heard shall represent the joint board in said hearing.

Sec. 6563-24. Hearing and determination of appeals.

SECTION 24. No further action shall be taken by said joint board until any or all appeals have been heard and determined in the probate court of said several counties, and as soon as said appeals have all been so heard and determined in said probate court, it shall be the duty of the probate court of said several counties to certify that fact to the secretary of the said joint board and said secretary shall notify the members of said joint board of the fact, fixing the time for the meeting of said joint board not more than fifteen days thereafter.

Sec. 6563-25. Arbitrators.

SECTION 25. If said commissioners agree so as to render the appointment of arbitrators as hereinafter provided unnecessary, then the commissioners of the several counties shall proceed as provided in section 31 and the succeeding sections hereof.

Sec. 6563-26. Apportionment of costs and damages.

SECTION 26. At said meeting said joint board shall determine the proportion of the cost and expense of said ditch improvement, including the amount of damages which have been allowed by reason of the location thereof, to any person or corporation, which shall be paid by each county, and the amount, if any, which shall be paid to any county by the other counties, or by any county to any other county, for the purpose of constructing and maintaining any bridges which may be made necessary in any county by reason of the construction of said ditch or improvement.

Sec. 6563-27. Board of arbitrators, upon disagreement.

SECTION 27. If two commissioners from any county vote against the proportion of the costs and expenses of said ditch improvement which shall be paid by any county, or against the proportion that shall be paid to any county by any other county in accordance with the provisions of section 24 hereof, or in case said joint board shall fail to agree upon any of said matters provided in section 24, it shall then be the duty of the secretary of said joint board to notify the governor of that fact, and thereupon it shall be the duty of the governor of the state of Ohio within thirty days to appoint a board of arbitrators of three reputable and experienced civil engineers, neither of whom shall be a resident of any county interested in the proceedings had under this act, nor employed at any time upon any public work done under the direction of the commissioners of any such county.

Sec. 6563-28.

SECTION 28. Such board of arbitrators shall inquire into the necessity, practicability and reasonableness of the improvement, asked for by the petitioners for said improve-

ment and granted by a majority of the joint board of commissioners and shall have the power to affirm, modify, change or reject the findings of said joint board of commissioners.

Powers and duties of board.

Sec. 6563-29. SECTION 29. Such board of arbitrators shall within thirty days organize and meet at the court house of the county having the largest population and all public hearings shall be held at the same place. They shall view the route of the proposed improvement and so much of the territory to be drained or from which the water is to be cut off as they may deem necessary. They shall set a day for hearing, giving five days' notice, in writing, to the auditors of the counties interested in such improvement of the time of such hearing, which hearing may be continued from day to day, or adjourned to a day certain as said arbitrators may order, and at said hearing said arbitrators may hear evidence and arguments under such rules as said board of arbitrators may establish. If the said board of arbitrators, or a majority thereof, find that said contemplated improvement ought not to be constructed, then said proceedings shall thereon terminate, but if said board of arbitrators, or a majority thereof, find that the contemplated improvement ought to be constructed, then they shall determine the proportion to be paid by each of said counties, and the amount, if any, which shall be paid by any county or counties to any other county, or by one county to another county, as provided for in section 24 hereof, and they shall report their finding to the secretary of said joint board, and as soon as the report of said board of arbitrators is filed with the secretary, and said secretary shall cause a copy of said report to be sent to the auditor of each of said several counties, and each auditor shall notify the commissioners of his county thereof. The findings of said board of arbitrators shall be final.

Time and place of meeting.

Notice of hearing.

Decision.

Findings final.

Sec. 6563-30. SECTION 30. The compensation of each member of the board of arbitrators shall be ten dollars per day and his necessary expenses. Provided, however, such board of arbitrators shall not be engaged in any one proceeding more than twenty days. All other costs, fees and expenses incurred by reason of such arbitration shall be the same as is provided for similar service in proceedings to establish county ditches and shall, together with the expenses and fees of said arbitration be paid as hereinafter provided.

Compensation of arbitrators.

Sec. 6563-31. SECTION 31. If the findings and award made by the joint board are affirmed, then the costs of said arbitration shall be paid by the county or counties, a majority of the commissioners of which voted against said findings and award, and if such findings and award are reserved, changed or modified, said costs of arbitration shall be paid by the county or counties, a majority of the commissioners of which voted in favor of said findings and award so made by the said joint board, but if said joint board shall have failed to agree, then the costs shall be paid as hereinafter

Cost of arbitration.

provided. In case said arbitrators find against said improvement, the costs of said proceedings shall be paid by said counties equally as provided in section 13.

Sec. 6563-32. SECTION 32. The whole amount apportioned to each county and ordered to be paid by it as provided by section 24 shall be paid by said county.

Sec. 6563-33. SECTION 33. Within ten days after receiving from the auditor notice of the filing of the report of said arbitrators as provided in section 27 the commissioners of said several counties shall meet at their office in their respective county and at once proceed to determine the question of providing the money necessary to pay the costs of said improvement, and said commissioners shall cause to be issued and sold the bonds of their said county, which shall bear interest at a rate not to exceed five per centum per annum, and running a period not to exceed twenty years, at the discretion of said county commissioners, and said bonds shall be issued, dated and sold in such way and manner as said county commissioners shall determine, and shall be denominated "joint county ditch bonds," and set forth on their face the date of the filing of the petition under which said proceedings were had, but said bonds shall be sold on or before ninety days after the notice in this section provided.

Provisions for payment of costs.

Sec. 6563-34. SECTION 34. Said bonds shall be issued without a vote of the people of said county and without any further proceedings than those authorized in this act, and any law conflicting with the provisions hereof shall not be applicable to the proceedings had hereunder.

Bonds issued without vote.

Sec. 6563-35. SECTION 35. Said commissioners shall have power to cause any part of said amount so to be paid by their county, to be paid out of the general taxes of said county and cause a levy to be made annually and from year to year thereafter the commissioners shall annually cause to be levied against all the real and personal property of said county as listed for taxation a sufficient sum to pay the portion of said bonds which shall mature annually and which are chargeable against said county.

Powers of commissioners as to payment.

Sec. 6563-36. SECTION 36. Any portion of such cost and expense not so levied against such county shall be levied and assessed against the property in said county which will be benefited by said improvement as reported by said surveyors as herein provided.

Assessment.

Sec. 6563-37. SECTION 37. After having determined the proportion of said cost and expenses which shall be specially assessed against the property which will be benefited by said improvement the commissioners of said county shall require the county surveyor of said county to apportion the cost and expenses among said several pieces of property which shall be so benefited thereby, and the said surveyor shall file his report with the auditor of his said county not more than thirty days after being so ordered, and the auditor shall then notify the owners of said property of the fact

Apportionment among properties and filing of report.

of the filing thereof, and shall fix a time not to exceed twenty days thereafter, at which the commissioners will hear said report of said surveyors. Said notice shall be given by publication once a week for two weeks in two newspapers of opposite politics of general circulation in the county, and said twenty days shall run from the date of said last publication, and said auditor shall notify the commissioners of his county of the time at which said report will be heard, and on said day said commissioners shall consider said report of said surveyor and hear any objections that may be made thereto and readjust said apportionment if in their judgment there are any inequalities existing therein. Hearing. Publication.

And annually thereafter, the auditor shall cause to be placed upon the tax duplicate against said property such proportion of said assessment as shall be necessary to pay the bonds issued due in that year.

Sec. 6563-38. SECTION 38. All of the costs and expenses connected with ordering and granting said improvement shall be taken as a part of the cost thereof and shall be included in the amount ordered to be paid by each county, except their costs of arbitration as provided in section 29. Costs.

Sec. 6563-39. SECTION 39. As soon as the bonds of said county have been sold and the money is in the treasury to the credit of the fund, the auditor of each county shall notify the secretary of the joint board and said secretary shall immediately notify the members of said joint board fixing a time for the meeting thereof of not less than twenty days after said notice, and said joint board shall at said meeting proceed to sell the work of constructing said ditch either as a whole job or in sections, as said joint board shall determine. Said work shall be sold to the lowest and best bidder after such advertisement as said joint board shall determine to be proper, and said joint board shall take a bond from the person to whom said contract or contracts are awarded, conditioned for the faithful performance thereof in such a sum as said board shall think right. When work of construction sold.

Sec. 6563-40. SECTION 40. Said work shall be inspected from time to time by the board of surveyors of said several counties, and upon completion thereof shall be accepted by said board. Inspection.

Sec. 6563-41. SECTION 41. Before the work of said improvement shall be begun, the amount of compensation and damages which have been assessed to any person or corporation, shall be paid to such person or corporation and thereupon the appropriation of land which may be necessary to construct said ditch shall be complete. When payment of compensation and damages required.

Sec. 6563-42. SECTION 42. Said joint board shall have the power to cause payment to be made out of the money received from the sale of bonds, and shall, by resolution, certify to the auditor of any county the amounts of money to be paid out of such county, together with a statement of the persons to whom such money shall be paid, and upon re- How payment shall be made.

ceipt of said certificate from the secretary of said joint board, such auditor shall draw his warrant upon the treasurer of his county for the payments of the amounts named in said certificate to the different persons entitled to such payment as set forth in said certificate, and the treasurer shall pay said warrant.

Sec. 6563-43. Procedure in payment.

SECTION 43. The amount ordered to be paid by said joint board shall be paid out of the treasury of the county in which the smallest amount of bonds have been sold until the same has been exhausted and then out of the treasury of the county in which the next smallest amount of bonds have been sold and so on until all payments have been made, and the balance remaining from the sale of bonds in the last county shall be distributed among the different counties on the order of said joint board as hereinafter provided, and thejoint board may, in their discretion, order the amount due to the contractors to be paid as estimates are made by the board of surveyors.

Sec. 6563-44. Meeting of surveyors with joint board.

SECTION 44. Said surveyors named in section 8 shall meet with the joint board of county commissioners whenever required by said board and said surveyors and auditors shall be paid their necessary expenses while employed under this act and shall be allowed the same fees as are allowed in ditch work generally and said commissioners shall receive the sum of three dollars a day and their actual expenses while employed under this bill.

Mandamus.

SECTION 45. Any person whose land will be benefited by said improvement shall have the right to maintain an action of mandamus to compel the performance of any duty imposed hereunder by any officers named in this bill.

Sec. 6563-46. Surplus of sale, how applied.

SECTION 46. If said work is sold for a less sum than the amount received for the sale of bonds, then the surplus shall be applied as a credit upon the amount which the county is required to pay on the first bond which becomes due, in case it has been ordered that any proportion of the cost to be paid out of the general tax levy. And in case no such order has been made the same shall be applied as a credit upon the first assessment levied against said several tracts of land and apportioned among the same in proportion to the amount thereof. Said surplus shall be distributed among the various counties in proportion to the amount paid by said several counties.

Sec. 6563-47. Record.

SECTION 47. A record of the proceedings of said joint board shall be kept by the secretary hereof in the county where said secretary resides and all proceedings had in the other counties together with a copy of all certificates sent to said counties by the secretary of said joint board shall be kept in said other counties.

Sec. 6563-48. Proceedings to enlarge, widen or deepen.

SECTION 48. The same proceedings shall be had to clean out, enlarge, widen or deepen any ditch constructed hereunder as is had for the original construction thereof, except that in case said ditch shall only be cleaned out to its original limits no damage shall be paid to any person

or corporation and no money shall be paid to any county by any other county, but the expense of cleaning out the same shall be apportioned among the several counties in the same proportion that the original cost thereof was apportioned among said counties, and the lands originally assessed for the construction of said ditch shall be assessed for said cleaning out, enlarging or improving in the same proportion as upon the original construction of said ditch.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 12th, 1911.

JUDSON HARMON,
Governor.
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[Senate Bill No. 183.]

AN ACT

To promote the growing of fruit orchards.

Be it enacted by the General Assembly of the State of Ohio:

Section 6441-1. SECTION 1. One year from the passage of this act each owner or manager of an orchard consisting of ten or more fruit trees shall spray or cause to be sprayed said trees one or more times during the period from November first to April thirtieth with some suitable preparation for the destruction of the San Jose, oyster shell or scurvy scale.

Owner, required to spray orchard.

Section 6441-2. SECTION 2. Whoever knowingly permits a violation of this act shall be fined not less than twenty-five dollars nor more than one hundred dollars for each year such spraying is not performed.

Penalty.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.

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This bill was presented to the Governor on June 3rd, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 29th, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

[House Bill No. 479.]

AN ACT

Establishing a building code, regulating the construction of, repair of, alteration on and additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings.

Be it enacted by the General Assembly of the State of Ohio:

Section 12600-281. SECTION 1. It shall be the duty of the state fire marshal or fire chief of municipalities having fire departments to enforce all the provisions herein contained relating to fire prevention.

Specific officers' duty to enforce act. It shall be the duty of the chief inspector of workshops and factories or building inspector, or commissioner of buildings in municipalities having building departments to enforce all the provisions herein contained for the construction, arrangement and erection of all public buildings or parts thereof, including the sanitary condition of the same, in relation to the heating and ventilation thereof.

It shall be the duty of the state board of health or building inspector or commissioner, or health departments of municipalities having building or health departments to enforce all the provisions in this act contained, in relation and pertaining to sanitary plumbing. But nothing herein contained shall be construed to exempt any other officer or department from the obligation of enforcing all existing laws in reference to this act.

Section 12600-274. SECTION 2. It shall be unlawful for any owner or owners, officers, board, committee or other person to construct, erect, build, equip or cause to be constructed, erected, built or equipped any opera house, hall, theater, church, schoolhouse, college, academy, seminary, infirmary sanitorium, children's home, hospital, medical institute, asylum, memorial building, armory, assembly hall or other building used for the assemblage or betterment of people in any municipal corporation, county or township in this state, or to

Alterations. make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of said building or structure, without complying with the requirements and provisions relating thereto contained in this act.

Section 12600-275. SECTION 3. It shall be unlawful for any architect, builder, civil engineer, plumber, carpenter, mason, contractor, sub-contractor, foreman or employe to violate or assist in violating any of the provisions contained in this act.

Section 12600-276. SECTION 4. Each section of this act and every part of

Each section independent. each section is hereby declared to be independent sections

and parts of sections, and the holding of any section or part thereof to be void and ineffective for any cause shall not be deemed to affect any other section or part thereof.

Section 12600-277. SECTION 5. Nothing herein contained shall be construed to limit the council of municipalities from making further and additional regulations, not in conflict with any of the provisions in this act contained nor shall the provisions of this act be construed to modify or repeal any portions of any building code adopted by a municipal corporation and now in force which are not in direct conflict with the provisions of this act. Where the use of another fixture, device or construction is desired at variance with what is described in this statute, plans, specifications and details shall be furnished to the proper state and municipal authorities mentioned in section 1 for examination and approval and if required actual tests shall be made to the complete satisfaction of said state and municipal authorities that the fixture, device or construction proposed answers to all intent and purposes the fixture, device, or construction hereafter described in this statute, instead of actual tests satisfactory evidence of such tests may be presented for approval with full particulars of the results and containing the names of witnesses of said tests.

Council may make further regulations.

Plans and specifications for additional fixture, etc., shall be submitted.

Section 12600-278. SECTION 6. The provisions of this act shall not apply to the construction or erection of any public building or to any addition thereto or alteration thereof, the plans and specifications of which have been heretofore submitted to and approved by the chief inspector of workshops and factories. The provisions of this act shall not apply to the constructfon, erection or equipping of any public building, addition thereto or alteration thereof, the contract for the construction, erection or equipping of which has been let or entered into prior to the date at which this act takes effect.

Exceptions.

Section 12600-282. SECTION 7. A justice of the peace, mayor or police judge shall have final jurisdiction within his county in a prosecution for a violation of any provision of the foregoing act.

Jurisdiction.

CHAPTER PENALTIES.

Section 12600-279. SECTION 1. Whoever being the owner or having the control as an officer, or as a member of a board or committee or otherwise of any opera house, hall, theater, church, school-house, college, academy, seminary, infirmary, sanitorium, children's home, hospital, medical institute, asylum, memorial buildings, armory, assembly hall or other building for the assemblage or betterment of people in any municipal corporation, township or county in this state, violates any of the provisions of the foregoing act or fails to conform to any of the provisions thereof, or fails to obey any order of the state fire marshal, chief inspector of workshops and factories or building inspector or commissioner in cities having a building inspection department, or the

state board of health in relation to the matters and things in this act contained shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars and stand committed until said fine and costs be paid or secured to be paid or until otherwise discharged by the due process of law.

CHAPTER PENALTIES.

Section 12600-280. SECTION 2. Any architect, civil engineer, builder, plumber, carpenter, mason, contractor, sub-contractor, foreman, or employe who shall violate or assist in the violation of any of the provisions of this act or of any order issued thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars and to stand committed until said fine and costs are paid or secured to be paid or until otherwise discharged by due process of law.

Penalty.

SECTION 3. All acts and parts of acts in conflict herewith are hereby repealed.

SECTION 4. This act shall take effect and be in force on and after sixty days from the date of its passage.

OHIO STATE BUILDING CODE.

PART 2.

SPECIAL REQUIREMENTS.

Section 12600-1.

PREAMBLE.

Under part two which follows, will be found under their respective titles, the various classes of buildings covered by this code together with the special requirements for their respective design, construction and equipment.

Classes of buildings.

The classification of the various buildings will be found under the following titles, viz:

Title 1. Theaters and assembly halls.
Title 2. Churches.
Title 3. School buildings.
Title 4. Asylums, hospitals and homes.
Title 5. Hotels, lodging houses, apartments and tenement houses.
Title 6. Club and lodge buildings.
Title 7. Workshops, factories and mercantile establishments.

Buildings or parts of buildings used only for the specific purposes mentioned under their respective title and classification shall be designed, constructed and equipped as called for under all of the sections coming under such title and classification.

Buildings used for two or more different kinds of occupancy and combining the classifications covered under two

or more different titles shall be designed, constructed and equipped according to all of the various sections of the different titles affecting such building or parts of such building.

The detailed requirements of the above mentioned special requirements, together with standard devices will be found in subsequent PARTS of this code.

TITLE

THEATERS AND ASSEMBLY HALLS.

Index.

SECTION.
1. Classification.
2. Class of construction.
3. Exposure and courts.
4. Subdivisions and fire stops.
5. Proscenium walls.
6. Workshops, storage and property rooms.
7. Dressing rooms.
8. Heater room.
9. Smoking room.
10. Seats.
11. Seat benches.
12. Aisles and foyers.
13. False openings.
14. Mirrors.
15. Motion picture machine and booth.
16. Automatic ventilation.
17. Proscenium curtain.
18. Means of ingress to theaters.
19. Means of egress.
20. Stairways.
21. Gradients and inclines.
22. Passageways.
23. Elevators.
24. Exit doors and windows.
25. Scuttles.
26. Wall hand rails.
27. Stage vestibule.
28. Special construction.
29. Floor and roof loads.
30. Heating and ventilating.
31. Sanitation.
32. Oil lamps.
33. Gas lighting.
34. Electrical work.
35. Finishing hardware.
36. Fire extinguishers.
37. Fireproof paint.
38. Aisles and passageways not to be blocked.

39. Hooks and axes.
40. Summer theaters and air domes.
41. Roof gardens.
42. Minor theaters.

TITLE I.

THEATERS AND ASSEMBLY HALLS.

Section 12600-2.

SECTION 1. CLASSIFICATION.

"Theater" defined.

THEATERS. Under the classification "theaters" are included all buildings or parts of buildings in which persons congregate to witness spectacular, vaudeville, burlesque, dramatic or operatic performances, or other buildings or parts of buildings in which scenery is used, or in which motion pictures are thrown upon canvas, screens or walls.

For minor theaters see section No. 42.

"Assembly halls" defined.

ASSEMBLY HALLS. Under the classification of "assembly halls" are included all buildings or parts of buildings in which persons are assembled for entertainment or amusement, including halls used for lodge rooms or dancing, and, all places where persons congregate to witness vaudeville, burlesque, dramatic or operatic performances, to hear speakers or lecturers, to listen to operas, concerts or musical entertainments in which no scenery is used and no motion pictures are thrown upon canvas, screens or walls and, seating one hundred (100) or more persons.

For minor theaters see section No. 42.

Section 12600-3.

SECTION 2. CLASS OF CONSTRUCTION.

THEATERS. The highest point of the main auditorium foyer of any theater shall not be more than three (3) feet above and in no case below the grade line of the building at the main entrance.

What shall be fireproof.

Theaters seating more than one thousand (1,000) persons and theaters with one or more balconies shall be of fireproof construction, except the working part of the stage, viz.: the stage floor between the jambs of the proscenium opening from the curtain line to the rear wall of the stage which shall be of mill or fireproof construction.

Theaters seating one thousand (1,000) persons or less and containing no balcony shall be of fireproof or composite construction, except the working part of the stage floor which shall be of mill construction or better.

Rooms over theater prohibited unless fireproof.

No rooms or apartments used for any purpose whatsoever shall be placed over a theater seating five hundred (500) persons or more, unless the entire building is of fireproof construction.

For air domes and summer theaters see section No. 40.

For minor theaters see section No. 42.

ASSEMBLY HALLS. Assembly halls accommodating more than one thousand (1,000) persons and assembly halls with one or more balconies shall be of fireproof construction.

Certain halls shall be fireproof.

Assembly halls accommodating one thousand (1,000) persons or less, and containing no balcony shall be of fireproof or composite construction.

In the above mentioned assembly halls the highest point of the main auditorium foyer shall not be more than eight (8) feet above, and in no case below the grade line at the main entrance to the building.

What halls may be frame.

Assembly halls accommodating less than seven hundred and fifty (750) persons, with no balcony, with the highest point of the main auditorium floor not more than four (4) feet above the grade line at the main entrance, and covering not to exceed six thousand (6,000) square feet of area; may be built of frame construction, providing all parts below the first floor line are built of composite construction and the building is erected in the "urban" district thirty (30) feet from any other building or structure, or adjoining lot lines, and at least two hundred (200) feet outside of the city fire limits.

Second story halls.

Assembly halls accommodating not more than seven hundred (700) persons and with not more than one balcony, may be placed in the second story of a building of fireproof construction, providing the highest point of the main auditorium floors is not more than twenty (20) feet above the grade line at the main entrance to the building.

Third story halls.

Assembly halls accommodating not more than four hundred (400) persons and with no balcony, may be placed in the third story of a building of fireproof construction, providing the highest point of the main auditorium floor is not more than thirty-five (35) feet above the grade line at the main entrance to the building.

Assembly halls accommodating not more than four hundred (400) persons and with no balcony, may be placed in the second story of a building of composite construction, providing the highest point of the main auditorium floor is not more than twenty (20) feet above the grade line at the main entrance to the building.

Exceptions.

EXCEPTIONS. Where an assembly hall or lodge room is built in connection with and as a part of a club or lodge building, and is used by the members of the club, society or lodge for private gatherings, and, is not rented or let out for the use of the general public, the following exceptions to the requirements of part 2 title 1 are made, viz.:

An assembly hall or lodge room accommodating not to exceed nine hundred (900) persons, with one balcony, may be placed in the second story of a building of fireproof construction providing the main floor level is not more than twenty (20) feet above the grade line at the main entrance to the building.

An assembly hall or lodge room accommodating not to exceed five hundred (500) persons, with one balcony, may be placed in the third story of a building of fireproof construction providing the main floor level is not more than thirty-five (35) feet above the grade line at the main entrance to the building.

An assembly hall or lodge room accommodating not to exceed two hundred and fifty (250) persons, with no balcony, may be placed in the fourth story of a building of fireproof construction providing the main floor level is not more than forty-five (45) feet above the grade line at the main entrance to the building.

An assembly hall or lodge room accommodating not to exceed six hundred (600) persons, with no balcony, may be placed in the second story of a building of composite construction providing the main floor level is not more than twenty (20) feet above the grade line at the main entrance to the building.

An assembly hall or lodge room accommodating not to exceed three hundred (300) persons, with no balcony, may be placed in the third story of a building of composite construction providing the main floor level is not more than thirty-five (35) feet above the grade line at the main entrance to the building.

Section 12600-4. SECTION 3. EXPOSURE AND COURTS.

No theater shall be less than twenty-five (25) feet wide, measuring in the clear between the walls, nor less than fifteen (15) feet high.

Dimensions, entrance, exit, alleys, etc.

Theaters from twenty-five (25) to thirty (30) feet wide measuring in the clear between the walls, and not over one hundred (100) feet long, measuring between the outside of the front and rear walls, and theaters and assembly halls seating not more than three hundred (300) persons shall have in addition to the main entrance, either the rear or one side wall abutting upon a street, alley or open court.

If the lobby or entrance to the above theater is built at an angle to the auditorium, the length of the lobby or entrance including the thickness of the walls, added to the length of the auditorium and stage including the rear wall shall not exceed one hundred (100) feet.

The width of the above street, alley or open court shall be not less than six (6) feet.

Provisions for halls having excess of above dimensions.

Auditoriums in theaters and assembly halls built in excess of the above dimensions shall have in addition to the main entrance, two side walls abutting upon streets, alleys or open courts.

The width of such streets, alleys or open courts shall be not less than eight (8) feet where the seating capacity is not over one thousand (1000) persons; above one thousand (1000) and not more than fifteen hundred (1500),

nine (9) feet in width; above fifteen hundred (1500), and not more than two thousand (2000), ten (10) feet in width; above two thousand (2000), ten (10) feet plus one (1) foot for each additional five hundred (500) or part thereof.

Said street, alleys or open courts shall be of such a length as to receive and connect with all exits, doors, fire escapes, and stairways leading thereto.

If the court above required be an interior court, the same shall be continued through the adjoining buildings or structures by passageways, with walls, ceilings and floors of fireproof construction, and the height of the passageway shall not be less than ten (10) feet in the clear.

No openings other than the exit doors shall be placed in these passageways.

The said courts or passageways shall not be used for storage or other purposes whatsoever, except for egress and ingress.

Section 12600-5. SECTION 4. SUB-DIVISIONS AND FIRE STOPS.

Theaters and assembly halls built in connection with or as part of a building used for other purposes than a theater or assembly hall, shall have all of its various parts separated from the other buildings by standard fire walls, or by fireproof walls, ceilings and floors, and all communicating openings between the theater or assembly hall and the other parts of the building shall be covered by double standard fireproof doors.

Fireproof doors.

If these openings are used or liable to be used as a means of ingress or egress, a standard self-closing fire door shall be placed on one side of the wall, and either a standard automatic rolling steel shutter or a standard automatic fire door shall be placed on the other side of the wall. The automatic shutters or doors being kept open during the occupancy of the building.

Automatic

EXCEPTIONS. Where an assembly hall is built in connection with and is a necessary adjunct to a church, school building, lodge building, club house, hospital or hotel, and is designed principally for the use of the occupants of such buildings, the above mentioned standard fire walls or fireproof walls, ceilings and floors will not be necessary, providing the construction of the other parts of the building is of the same, or of a better grade than the assembly hall.

No theater or assembly hall shall have any door or window connecting directly with any sleeping or living room of a tenement or dwelling house, and no theater or assembly hall shall be used for living or sleeping purposes.

All exterior and court walls of building coming under this classification (except buildings of frame construction) within thirty (30) feet of any other building, structure or lot line, shall be provided with the following fire stops, viz., walls shall be standard fire walls; all windows shall be standard fireproof windows with automatic attachment and

doors shall be standard hinged fire doors without automatic attachment.

Section 12600-6. SECTION 5. PROSCENIUM WALL.

The stage, if containing movable scenery, shall be separated from the auditorium by brick or monolithic concrete walls not less than twelve (12) inches thick and the said wall shall extend the entire width of the building. In buildings of fireproof construction this wall shall extend to the highest roof adjoining the same, and in buildings of composite construction the wall shall extend not less than four (4) feet above the roof of the stage, and not less than six (6) feet above the roof of the auditorium as the case may be.

Material of curtain wall.

The curtain wall under the proscenium opening shall be of brick or monolithic concrete not less than twelve (12) inches thick, be placed under the center of the curtain, and be built up close to the under side of the finished stage floor.

There shall be no openings in this wall above the stage floor level except the proscenium opening and one (1) communicating opening between the stage and the auditorium, and not more than two (2) openings below the stage floor level.

Openings.

The proscenium opening shall be covered by a fire curtain as hereinafter specified, and all other openings by standard automatic or self-closing fire doors. The latter openings shall not exceed twenty-one (21) superficial feet each.

The wall over the proscenium opening shall be carried by a fire-proofed steel girder with a relieving arch above, or by a brick arch of sufficient capacity and abutments on each side of the opening to insure stability against the thrust of the arch.

The height of the proscenium wall, over the proscenium opening shall not be less than twice the greatest height of the proscenium opening plus six (6) feet.

Section 12600-7. SECTION 6. WORKSHOPS, STORAGE AND PROPERTY ROOMS.

No scene dock, workshop, storage or general property room shall be placed above the stage or auditorium of any theater, or in any fly gallery.

Scene docks, workshops, storage and general property rooms shall be enclosed by masonry or standard fireproof walls, and all openings in the above walls shall be provided with standard self-closing or automatic fire doors, or standard automatic rolling steel shutters placed on both sides of the wall.

Location.

If scene docks, workshops, storage or general property rooms are located under the stage the same shall have standard fireproof ceilings and floors.

Section 12600-8.

SECTION 7. DRESSING ROOMS.

All walls separating the dressing rooms from the stage or other parts of the building, together with all partitions dividing or surrounding the same shall be standard fire walls.

The above rooms shall be separated from the other parts of the building by self-closing or automatic standard fire doors.

If the dressing rooms are placed under the stage, the dressing room including the corridors or passageways connected thereto shall be of fireproof construction, and all openings into the apartments containing the same shall be covered by standard self-closing fire doors. Location.

No dressing or employes' room shall be placed more than one story below the grade line, and no dressing room shall be placed above or below the auditorium.

All dressing rooms shall be well ventilated by windows opening into areaways, streets, alleys or open courts.

Section 12600-9.

SECTION 8. HEATER ROOM.

Furnaces, hot water heating boilers and low pressure steam boilers may be located in the buildings, provided the heating apparatus, breeching, fuel room and firing room are inclosed in a standard fireproof heater room and all openings into the same are covered by standard self-closing fire doors.

No boiler or furnace shall be located under the auditorium, stage, lobby, passageways, stairways, or exits of a theater; or, under any exit, passageway or lobby of an assembly hall. No cast iron boiler carrying more than 10 pounds pressure or steel boiler carrying more than 35 pounds pressure shall be located within the main walls of any theater or assembly hall.

Section 12600-10.

SECTION 9. SMOKING ROOM.

No smoking room shall connect with, or be entered directly from any auditorium of a theater or assembly hall; or, connect with, or be entered from any lobby, entrance, foyer or corridor leading to any auditorium of a theater or assembly hall unless protected by a vestibule with two sets of self-closing doors. Location.

Section 12600-11.

SECTION 10. SEATS.

The plans shall be clearly marked showing the maximum number of persons to be accommodated in the various parts of the building.

All seats, chairs and benches in the auditorium, balcony and gallery shall be spaced not less than two feet six inches (2′ 6″) from back to back, measuring horizontally.

The average width of seats or chairs measuring from

center to center of arms shall be not less than twenty (20) inches, and in no case shall a seat be less than nineteen (19) inches.

Dimensions and installment.

If benches are used, the seating capacity of the same shall be established by allowing one sitting or seat to each fifteen (15) inches of length or fraction thereof.

All seats, chairs and benches (except chairs in boxes or loggias) shall be securely fastened to the floor.

Boxes or loggias shall be so designed, or if necessary, shall be provided with rails which will prevent the seats or chairs from being pushed or knocked into the aisles.

On the main auditorium floor level in assembly halls with level floors, seats or chairs may be securely fastened together in sections, and the end feet or legs of each section of seats or chairs (or benches) shall be fastened to the floor by screws or bolts, or be held to place by rubber tips or shoes.

No seat shall have more than six seats (6) between it and the aisle on either side.

Section 12600-12.

SECTION 11. SEAT BENCHES.

No seat bench or platform shall have a riser of more than twenty-two (22) inches, be placed more than one foot two inches (1′ 2″) above the level of the aisle immediately next to the same, or be placed nearer any ceiling or soffit than eight (8) feet.

Section 12600-13.

SECTION 12. AISLES AND FOYERS.

Dimensions and provisions as to exits.

Aisles with seats on both sides of same shall not be less than three (3) feet and aisles with seats on one side of the same not less than two (2) feet wide at the beginning, and shall be increased in width toward the exits at the ratio of one and one-half (1½) inches to five (5) feet of run.

On the auditorium or main floor level these shall be not less than three (3) feet and in each and every balcony or gallery not less than three feet six inches (3′ 6″) wide.

Aisles not less than two feet six inches (2′ 6″) wide shall be placed between banks of seats and the front of the boxes or loggias.

Where the main aisles on the auditorium floor level (not wall aisles) as above provided for do not lead directly to the exits placed in the side walls, cross aisles or foyers not less than five (5) feet wide shall be provided. Cross aisles or foyers shall intersect with all main aisles and lead directly to each and every exit.

Where the main aisles (not wall aisles) in each and every balcony or gallery do not lead directly to the exits in the side walls, cross aisles not less than five (5) feet wide shall be provided. One cross aisle shall be provided to each twelve (12) rows of seats or benches, or less.

Cross aisles shall run from wall to wall and intersect with all main aisles.

Section 12600-14. SECTION 13. FALSE OPENINGS.

No false openings giving the appearance of a door or window where none exists shall be placed in any part of a theater or assembly hall used by the general public.

Section 12600-15. SECTION 14. MIRRORS.

No mirror shall be placed in any part of a theater or assembly hall used by the general public, except in the women's and men's retiring and toilet rooms.

Section 12600-16. SECTION 15. MOTION PICTURE MACHINE AND BOOTH.

By the term "motion machine" is meant any machine or device operated by or with the aid of electricity, adapted and used to project upon a screen, or other surface, pictorial representations of any character which the public are admitted to view, upon payment of admission fee or otherwise.

Provisions as to installment.

Every motion picture machine shall, before being operated be installed in a room, compartment or booth, constructed entirely of fire resistive material; said room, compartment or booth shall be ventilated to the outside air, and all openings in the same shall be equipped with automatic devices designed to promptly close all of said openings with fire resistive doors, in case of fire within said room, compartment or booth. Said fire resistive material shall include brick, tile, concrete, metal or hard asbestos board, or asbestos building lumber.

Where the room, compartment or booth is composed of metal or hard asbestos board, or asbestos building lumber, it shall be constructed and equipped as follows:

Dimensions and material.

FRAMING. Shall be of not less than one inch by one inch by one-eighth inch (1"x1"x⅛") angle iron, properly braced to secure rigidity and securely riveted or bolted at joints.

SIZE. Shall be at least six (6) feet high, six (6) feet long and five (5) feet wide where only one machine is to be installed. When more than one machine is to be placed or operated the room, compartment or both shall not be less than six (6) feet high, six (6) feet wide and eight (8) feet long.

SHEATHINGS. Shall be of metal not less than 20 B & S gauge or one-quarter (¼) inch hard asbestos board, or asbestos building lumber securely riveted or bolted to angle iron frame.

FLOOR. Shall be of same material as sides and roof, riveted or bolted to iron frame, covered with a rubber or cork matting.

DOOR OPENING. Shall be not larger than two (2) feet by five (5) feet.

Automatic.

DOOR. Shall be of same construction as booth and arranged to close automatically, either by means of a spring to be placed on the exterior and riveted to the frame work, or by a metal rope and weight attachment; door shall overlap sides, top and bottom at least three (3) inches. Two latches of steel shall be provided, and be placed one twelve (12) inches from top and the other twelve (12) inches from bottom of door. Latch bars shall be connected by metal rod, so that one operation opens both latches. The door shall be so constructed and braced, and corners reinforced by fillet angles as to prevent buckling.

NOTE. A door constructed of two (2) thicknesses of well seasoned white pine, or similar non-rosinous wood, dressed to thirteen-sixteenths (13-16) inch (full) layers of boards, to be at right angles and covered with double locked seam tin plate and arranged to close as specified herein, may be used in lieu of the above.

OPENINGS. (For operator's view and through which pictures are thrown.) Shall be provided with a gravity door of at least one-quarter (1/4) inch boiler iron, so arranged as to close all openings; held in position by fusible links, placed in series, with fine cord so arranged that normally one of the links is suspended directly over the film or magazine when inside of the apparatus, or arranged so as to be normally closed and held open by the pressure of the operator's foot.

SHELF. All shelves, furniture and fixtures within the said booth shall be constructed of incombustible material, and no material of any sort whatsoever of a combustible nature, shall be permitted or allowed to be within such booth, except the films used in the operation of the machine.

VENTILATION. Booth shall have an opening not less than ten (10) inches in diameter for ventilating, which shall be flanged to carry a standard conductor pipe for exhausting the hot air generated in operating the machine. Connection shall be made with chimney or the outer air. Conductor pipe shall be riveted together, and outer end arranged so that escaping gases or flames will not come in contact with combustible material.

Equipment.

MACHINES. Shall be equipped with feed and take up reels in metal receiving boxes and joints of same shall be riveted or flanged. A shutter shall be placed in front of the condenser.

The arc lamp used in a motion picture machine shall be constructed and installed as follows:

(a) Shall be constructed entirely of metal except where the use of approved insulating material is necessary.

(b) Shall be substantially constructed and so designed as to provide for properly ventilating, and to pre-

vent sparks being emitted from lamps when same is in operation, and mica shall be used for frame insulation.

(c) Self closing doors may be provided on side and rear, and observation ports not larger than two (2) inches square may be provided when closed with glass.

(d) Lamp shall be controlled by a double poled switch and cut out within easy reach of the operator.

(e) Conductors supplying current to lamp shall not be smaller than No. 6 B. & S. gauge or its equivalent. Stranded conductors shall be used between lamp and permanent wiring. And asbestos insulation shall be used on conductors inside lamp and where liable to be brought within six (6) inches of it. Stranded conductors shall be provided with approved lugs. Conductors passing through case or lamp shall be protected by porcelain bushings.

(f) Resistance box shall be kept not less than one (1) foot from any combustible material, or shall be separated from it by a slab of slate or marble. The resistance box shall be provided with a substantial metal case.

(g) The machine stand on which machine is mounted shall be made of non-rosinous wood, with metal legs well braced to secure rigidity, and any wood used in connection with this stand shall be painted with three coats of fireproof paint.

No artificial light shall be used in any booth, room or compartment in which a motion picture machine is installed, except that produced by electricity. No smoking shall be permitted in said booth, room or compartment. Extra films shall be kept in a metal box with tight fitting cover. Each machine while in operation shall be controlled by an experienced operator. No motion picture machine shall be operated other than by hand power.

All rewinding of films shall be done within the picture machine room, compartment or booth.

Section 12600-17. SECTION 16. AUTOMATIC VENTILATION.

The stage, if containing movable scenery shall be provided with one or more ventilators placed near the center and above the highest point of the stage, extending at least six (6) feet above the stage roof, of a combined area equal to at least one-eighth (1/8) the area of the stage floor.

Equipment and material.

The openings in such ventilator shall be closed by valves, louvers or dampers, so counter balanced as to open automatically, and so constructed that ice or snow will not interfere with their operation; or, the roof of these ventilators may be made in the form of sliding doors providing all tracks, wheels and working apparatus is so placed as to be protected from snow and ice.

All valves, louvers, dampers or doors shall be held closed by hemp or cotton cords, running to and connecting with the stage floor close to each stage exit door. Fusible links shall be inserted in these cords close to each ven-

tilator, ten (10) feet above the stage floor and midway between these two points.

If glass is placed in the ventilator a wire screen of one-half inch (½) mesh shall be suspended under the ventilator and be placed not less than three (3) feet below the soffit of the roof.

Section 12600-18. SECTION 17. PROSCENIUM CURTAIN.

Fireproof curtain.

The proscenium opening in theaters when scenery is used shall be provided with a fireproof rigid curtain or a curtain of asbestos or other fireproof material, approved by the chief inspector of workshops, factories and public buildings of the state of Ohio, or the building inspector or commissioner in cities having building inspection departments, curtain shall overlap the brick proscenium wall at each side not less than twelve (12) inches and at the top not less than three (3) feet, and slide vertically at each side within iron grooves or channels to a depth of not less than twelve (12) inches; said grooves or channels to be made of iron steel of not less than one-quarter (¼) inch in thickness, be securely bolted to the brick wall and extend to a height of not less than four (4) feet above the top of the curtain when raised to its full limit.

Said curtain shall be suspended or hung by steel cables passing over ball bearing iron or steel sheaves supported by wrought iron brackets of sufficient strength and well braced, and brackets shall be securely attached to the proscenium wall by through bolts with nuts and washers on the opposite side of the wall.

Said curtain shall be raised at the commencement and lowered at the close of each performance. If the proscenium curtain is of asbestos, the same shall be of pure asbestos fiber, shall weigh not less than three (3) pounds per square yard and shall be reinforced with wire or wire spun in the asbestos. At the top and bottom of the curtain shall be placed a wrought iron or steel pipe not less than two (2) inches in diameter, securely fastened to the curtain and covered over with like material as the curtain itself.

The excess weight of the curtain shall be overcome by a check rope of cotton or hemp, extending to the floor on both sides of the stage so that the cutting or burning of which will release the curtain, and the same will then descend at its normal rate of speed.

The proscenium curtain shall be placed at the nearest point at least two feet (2′) distant from the foot lights.

No oil paint shall be used on any asbestos curtain.

Section 12600-19. SECTION 18. MEANS OF INGRESS TO THEATERS.

The means of ingress to theaters shall be at the ratio of one foot eight inches (1′ 8″) in width to each one hundred (100) persons to be accommodated.

To the widths established by the above ratio one (1) foot shall be added for hindrance.

In theaters requiring but one entrance, the same shall be not less than six (6) feet wide in the clear.

Section 12600-20. SECTION 19. MEANS OF EGRESS.

THEATERS. The means of egress from theaters shall be not less than the following, and shall be provided in addition to the usual means of ingress.

Dimensions of entrances and exits.

From the main or auditorium floor level one six (6) foot wide exit door shall be provided on each side of the auditorium to each five hundred (500) persons or fraction thereof.

Where one exit door is required on each side, the same shall be placed midway between the front and rear walls of the auditorium.

Where two exit doors are required on each side, one shall be located near the front and the other near the rear wall of the auditorium.

Where more than two exit doors are required on each side, one shall be located near the front wall, one near the rear wall, and the others equally spaced between the two.

If these exit doors are above or below the grade line the same shall be provided with stone, cement or iron steps leading to the grade line. Steps shall be not less than six (6) feet wide.

From each balcony or gallery one exit door three feet four inches (3′ 4″) wide shall be provided on each side of each balcony and gallery to each three hundred (300) persons or fraction thereof.

Where one exit door is required on each side, the same shall be placed at the center of the balcony or gallery.

Where two exit doors are required on each side, one shall be placed near the rear wall, and the other near the front railing or wall.

Where more than two exit doors are required on each side, one shall be placed near the rear wall, one near the front rail or wall, and the others equally spaced between the two.

The above exit doors from balconies and galleries shall lead to B, C or D standard fire escape.

Not more than one exit door three feet four inches (3′ 4″) wide shall connect with any fire escape.

Exceptions.

EXCEPTIONS. Theaters from twenty-five (25) to thirty (30) feet wide, not over one hundred (100) feet long and seating not over three hundred (300) persons, shall have one six (6) foot wide exit door from the main auditorium to the side or rear street, alley or open court, and one three feet and four inches (3′ 4″) wide exit door from the balcony leading to B, C or D standard fire escape.

In lieu of fire escapes inclosed fireproof stairways may be used. An inclosed fireproof stairway four (4) feet wide

will be the equivalent to one fire escape, and if six (6) feet wide will be the equivalent to two fire escapes. Where enclosed fireproof stairways six (6) feet wide are used the same shall have double doors six (6) feet wide, which will be the equivalent to two exit doors three feet four inches (3′ 4″) wide.

The basement under the working part of the stage shall have an exit door not less than three (3) feet wide, placed as far distant from the usual means of ingress as possible and provided with steps leading to the grade line of the adjoining street, alley or open court. These steps if exposed to the weather shall be made of stone, concrete or cement.

Exits.

The stage shall be provided with two exit doors not less than three (3) feet wide. These shall be placed on the opposite sides of the stage, back of the wings and shall not be placed closer together than the width of the proscenium opening plus ten (10) feet.

Each fly gallery shall be provided with an exit door not less than two feet six inches (2′ 6″) wide nor less than six (6) feet high leading to an A, B, C or D standard fire escape or to a No. 1 standard ladder. Exit door shall be located at the opposite end of the fly gallery from the usual means of ingress.

Each dressing or employes room shall have two separate and distinct means of egress; one the usual means of ingress and the other an emergency exit.

Each dressing or employees room placed below the grade line shall be provided with an exit door or window leading to an areaway and provided with a No. 2 standard ladder; or, suits of dressing or employees rooms placed below the grade line may have a door or window opening placed at the opposite end of the corridor from the usual means of ingress, which opening shall lead to an open areaway from which stone, concrete or iron steps not less than three (3) feet wide shall run to the grade line of a street, alley or open court.

Each dressing or employees room placed above the grade line shall have a window or door leading to an A, B, C or D standard fire escape running to the grade line of a street, alley or open court; or, suits of dressing or employees rooms placed above the grade line may have an exit window or door placed at the opposite end of the corridor from the usual means of ingress, leading to an A, B, C or D standard fire escape.

All stairways and tunnels, and all door and window openings leading to fire escapes, inclosed fireproof stairways or fire ladders not hereinafter specified to be marked by illuminated signs, shall have painted signs on or above the same indicating the word "EXIT" in plain block letters not less than six (6) inches high, painted a bright red.

Signs.

Seating capacity.

ASSEMBLY ROOMS. The seating capacity shall be established by the actual number of persons to be accommodated

in seats, benches and pews where the same are used, and where not used, the capacity shall be established by allowing for each person six (6) square feet of floor area, except in dining rooms and dance halls where the allowance of floor area per person shall be at the rate of fifteen (15) square feet.

In establishing the widths of the exits it shall be assumed that the audience in each room, balcony or apartment, will be equally distributed to the various means of egress.

The usual means of ingress may be considered as a means of egress.

Each room, balcony, stage or apartment shall have not less than two separate and distinct means of egress where the seating capacity is less than four hundred (400) persons, and when exceeding four hundred (400) persons one additional means of egress shall be provided to each two hundred (200) persons or fraction thereof.

Means of egress shall be provided at the ratio of three (3) feet in width to each one hundred (100) persons, plus one (1) foot for hindrance.

If social rooms are placed below the main floor line, each room shall have two separate and distinct means of egress at the ratio of three (3) feet in width to each one hundred (100) persons to be accommodated, plus one (1) foot for hindrance. These exits shall be in addition to the usual means of ingress from the main floor. Means of egress shall be located as far apart as possible.

The above means of egress shall be exit doors leading to either the ordinary inside stairways, B, C or D standard fire escapes or iron, stone or cement steps.

All stairways, tunnels and exit doors shall have painted signs on or above the same indicating the word "EXIT" in plain block letters not less than six (6) inches high.

Section 12600-21. SECTION 20. STAIRWAYS.

FOR THEATERS. The width of stairways in theaters used as a means of ingress shall be at the ratio of one foot eight inches (1′ 8″) to each one hundred (100) persons to be accommodated, plus one (1) foot for hindrance.

Dimensions. No stairway shall be less than three feet six inches (3′ 6″) or more than six (6) feet wide, measuring between the hand rails.

Where more than one stairway is required for any one tier or level they shall be located as far apart as possible.

Where the seating capacity exceeds the limit for two six (6) foot stairways, wider stairways may be used providing a substantial center hand rail with newel and angle posts not less than six (6) feet high, divided the stairways into widths not less than three feet six inches (3′ 6″) and not exceeding six (6) feet wide.

Stairways used by the general public shall have a uni-

form rise of not more than seven (7) inches and a uniform tread of not less than ten and one-half (10½) inches.

Stairways not used by the general public shall have a uniform rise of not more than seven and one-half (7½) inches and a uniform tread of not less than nine and one-half (9½) inches. The above dimensions shall be from riser to riser and from tread to tread.

No riser shall be less than five inches (5″).

No stairway or steps that may be used as a means of egress in ascent shall have nosings.

No stairway shall have more than sixteen (16) nor less than three risers in any run.

No winders shall be used and all nosings shall be straight.

Hand rails.

Hand rails shall be provided on both sides of all stairways and steps. Outside steps and areaways shall be provided with guard rails not less than two feet six inches (2′ 6″) high.

A uniform width shall be maintained to all stair and stair platforms used by the general public by rounding or beveling the angles and corners.

No door shall open directly upon a stairway, but shall open upon a platform or landing equal in length to the width of the door.

All stairways leading directly from the basement to the stage, shall be enclosed by standard fireproof walls and the openings from the basement to the same shall be covered by standard self closing fire doors.

No stairways used by the general public shall be placed over any basement stairway, unless the basement stairway is enclosed in fireproof walls, and the ceiling or soffit over the same is of fireproof construction, and all openings to the basement stairway are provided with standard self closing or automatic fire doors.

No closet for storage shall be placed under any stairway.

No stairway used by the general public shall lead downward to a platform and then upward to a new level or vice versa except the steps in the balcony and gallery aisles.

If a theater has more than one balcony, the stairways from the level above the first balcony shall run directly to and connect with the streets, alleys or open courts, and shall have no direct connection with any part of the theater.

Stair treads shall be either carpeted, or be covered with rubber or lead mats securely fastened to place, or the tread shall be formed of a non-slipping surface.

Where stairways are required in theaters, inclines or gradients may be used providing the same are supplied of the width, in the number, and are located as prescribed for stairways. The pitch of incline of gradient shall not exceed one (1) foot in rise in twelve (12) feet of run.

For Assembly Halls. All stairways shall be enclosed

by masonry or fireproof walls, with fireproof ceiling over and a fireproof floor below the stair well, and all openings into the same shall be fitted with standard self-closing fire doors.

Widths of stairways shall be at the ratio of three (3) feet per hundred (100) persons to be accommodated, plus one (1) foot for hindrance.

Otherwise stairways and inclines shall be constructed and equipped the same as required for theaters.

Section 12600-22. SECTION 21. GRADIENTS AND INCLINES.

All lobbies or entrances to theaters shall be level or flush with the sidewalk.

To overcome any difference in levels in and between courts, corridors, lobbies, passageways, auditorium and aisles on the ground floor, gradients shall be employed. Dimensions.

Gradients in auditorium aisles shall not exceed one (1) foot in rise to five (5) feet in run, and no other gradient or incline shall exceed one (1) foot in rise to twelve (12) feet in run.

Sills at all exits shall be so designed as to be level and flush with the adjacent floors.

Section 12600-23. SECTION 22. PASSAGEWAYS.

Halls, foyers and passageways shall be so designed and proportioned as to prevent congestion and confusion.

No hall, foyer or passageway leading to a stairway or exit shall be less in width than the width of the stairway or exit, and in no case less than four (4) feet wide. Dimensions and capacity.

All corridors, passageways, hallways and stairways used by the general public leading from any public part of the building or to any toilet, retiring or check room shall permit of a free passage to an outer exit of the building without returning.

The aggregate capacity of foyers, lobbies, corridors and passageways for the use of the general public, not including aisles space between seats, shall be for each floor, balcony or gallery, sufficient to contain the entire number of persons to be accommodated on the said floor, balcony or gallery, in the ratio of one and one-half (1½) square feet per person.

Any stairway, corridor or passageway shall be of equal capacity to the aggregate width of all stairways, corridors or passageways which it serves as a means of egress.

Section 12600-24. SECTION 23. ELEVATORS.

Elevators shall be inclosed by standard fire walls, or by fireproof walls, ceilings and floors, and all openings into the same shall be covered by standard fire doors for elevators.

Elevators shall not be considered or computed as a means of egress.

Section 12600-25. SECTION 24. EXIT DOORS AND WINDOWS.

No door used as a means of egress shall be less than three (3) feet wide, (except door from fly gallery).

No single door or leaf to a double door shall be more than four (4) feet wide. No two doors shall be hinged together.

Dimensions and construction.

Where exit doors more than four (4) feet wide are required the opening shall be provided wth two doors.

No exit door (except from fly gallery) shall be less than six feet four inches (6′ 4″) high. All exit doors shall be level with the floor, swing outward, viz., toward the open or toward the natural means of egress, and be so hung as not to interfere with passageways or close other openings, stairways or fire escapes.

No double acting, rolling, sliding or revolving doors shall be used in any part of the building used by the general public, where used, or liable to be used as a means of ingress or egress, except rolling and sliding doors may be used as previously mentioned under sub-divisions, section 4.

Exit windows and windows leading to A standard fire escapes shall have the lower sash hinged at the side to swing out, or hung on weights to raise. This sash shall be not less than two feet six inches (2′ 6″) wide, not less than three (3) feet high, and not more than two (2) feet above the floor level.

Section 12600-26. SECTION 25. SCUTTLES.

Over the stage and auditorium there shall be placed in the roof a bulkhead or scuttle not less than three (3) feet long, nor less than two (2) feet wide, covered on the outside with tin or other metal, and provided with a stairway or permanent ladder leading thereto. Ladder placed on the stage shall be of iron.

Bulkhead and scuttle doors shall never be locked.

Section 12600-27. SECTION 26. WALL AND HAND RAILS.

Aisles placed against the outer walls of balconies and galleries shall be provided with substantial wall hand rails.

Section 12600-28. SECTION 27. STAGE VESTIBULES.

All entrances to the stage from the streets, alleys or open courts, shall be vestibuled in such a manner as to protect the curtain, scenery and auditorium against draughts of air.

Section 12600-29. SECTION 28. SPECIAL CONSTRUCTION.

The working part of stage floors, viz.: the width of the proscenium opening by the depth of the stage, shall be of mill construction or better.

Where composite construction is used, all ceilings under the stage (except working part of stage) and the ceilings of all storage and property rooms and scene docks shall be lathed with metal lath and be covered with plaster.

Gridiron slats where fireproof construction is used shall be made of incombustible material, but need not be fireproofed.

Foot light trough if not made of fireproof materials shall be lined with tin or other incombustible materials.

All floors to toilet rooms, lavatories, water closet compartments, or any enclosure where plumbing fixtures are used within the building shall have a waterproof floor and base made of non-absorbent indestructible waterproof material, viz.: Asphalt, glass, marble, vitrified or glazed tile or terrazzo, or monolithic composition.

Base shall be not less than six (6) inches high and shall have a sanitary cove at the floor level.

Basements shall have damp proof floors.

Section 12600-30. SECTION 29. FLOOR AND ROOF LOADS.

In calculating construction the superimposed loads on the various floors and roofs shall be assumed as follows:

In auditorium with fixed seats, eighty (80) pounds per square foot.

In auditoriums with movable seats one hundred (100) pounds per square foot.

In halls used for dancing, one hundred and fifty (150) pounds per square foot.

In lobbies, passageways, stairways and corridors, one hundred (100) pounds per square foot.

In dressing rooms, fifty (50) pounds per square foot.

On the stage, two hundred and fifty (250) pounds per square foot.

In scene docks, one hundred (100) pounds per square foot.

On gridiron, seventy-five (75) pounds per square foot.

In property rooms, one hundred (100) pounds per square foot.

In attics not used for storage, twenty (20) pounds per square foot.

On roofs, forty (40) pounds per square foot.

Section 12600-31. SECTION 30. HEATING AND VENTILATING.

A heating system shall be installed which will uniformly heat all parts of the building to a temperature of sixty-five (65) degrees in zero (0) weather.

All parlors, retiring, toilet and check rooms, and all assembly halls used in connection with and a necessary adjunct to a church, school building, lodge building, club house, hospital or hotel shall be heated by an indirect system combined with a system of ventilation which will change the air not less than six times per hour. All other assembly halls and theater auditoriums shall be heated and ventilated by a system which will supply to each auditor not less than 1,200 cubic feet of air.

Ventilation.

The system to be installed where a change of air is required shall be either a gravity or mechanical furnace system, gravity indirect steam or hot water, or a mechanical indirect steam or hot water system.

No stove or open grate shall be used in any theater or assembly hall, except water heaters, furnaces and boilers.

No stove pipe shall be more than five (5) feet long, measuring horizontally, unless the same be enclosed in a standard fireproof heater room, nor shall any stove pipe come closer to any combustible material or ceiling than three (3) feet.

The fresh air supply shall be taken from outside the building and no vitiated air shall be reheated. The vitiated air shall be conducted through flues or ducts to and be discharged above the roof of the building.

No floor register for heating or ventilating shall be placed in any aisle or passageway.

No coil or radiator shall be placed in any aisle or passageway used as an exit, but said coils and radiators may be placed in recesses formed in the wall or partitions providing no part of the radiator or coil projects beyond the wall line.

Section 12600-32. SECTION 31. SANITATION.

Theaters and assmbly halls seating or accommodating three hundred (300) or more persons shall be provided with a sanitary equipment as follows:

Sewerage, closets, drinking fountains, etc., for stage and auditorium.

Where water supply and a sewerage system are available a sanitary equipment shall be installed as follows:

Separate water closets in connection with the stage shall be provided for males and females.

Separate drinking fountains shall be provided for the stage and auditorium.

In the auditorium one drinking fountain shall be provided to each four hundred (400) persons or less. Fountains to have jet giving a continuous flow of water. No cup or tumbler shall be used in the building, except it be destroyed after serving one person.

Separate toilet rooms in connection with the auditorium shall be provided for males and females in each tier or level and in these shall be installed the following fixtures, viz., one water closet to each one hundred (100) females or less; one water closet to each two hundred (200) males or less and one urinal to each two hundred (200) males or

less. The above number of fixtures shall be based upon the maximum seating capacity, and it shall be assumed that the audience will be equally divided between males and females.

Toilet rooms for males shall be clearly marked "Men's toilet" and for females "Women's toilet."

If a water supply and sewerage system are not available no sanitary equipment shall be installed within the building, but pumps (in lieu of drinking fountains), closets and urinals in the above proportion shall be placed on the theater or assembly hall grounds and no water closet or urinal shall be placed nearer any occupied building than twenty (20) feet.

If lavatories are used the same shall have no waste plugs or stoppers, except lavatories placed in the dressing rooms used in connection with the stage.

Where pumps or hydrants are used the outlets shall be inverted.

Section 12600-33. SECTION 32. OIL LAMPS.

No fixed or portable oil lamps shall be used in or about any stage containing scenery.

Oil lamps may be used for illuminating theater auditoriums or assembly halls when electric current or gas is not available, providing the same are placed not less than six (6) feet above the floor line, not less than three (3) feet below the ceiling, not less than one foot from any wall and are rigidly supported.

Section 12600-34. SECTION 33. GAS LIGHTING.

No gas lighting of any kind shall be used on any stage containing scenery (except for exit lights) nor in any property room, storage room, scene dock or fly gallery. Gas may be used for illuminating all other parts of theaters and assembly halls.

Gas fire may be used for heating water, glue, etc., providing the burners are inclosed in iron jackets.

If gas lighting is used in the auditorium and not kept lighted during the entire entertainment or performance there shall be at least two separate and distinct services where practicable, fed from separate street mains, one service of sufficient capacity to supply emergency lights and the other to supply all other outlets in the building. Emergency light.

Under "emergency lights" are included exit lights and all lights in lobbies, stairways, corridors and other parts of the theater or assembly hall to which the public have access, which are normally kept lighted during the performance.

Where gas is used for emergency lights, the outlets shall be placed, equipped with signs, and be kept burning as called for under electric work. (See auditorium lighting. Section 34.)

Each gas supply main shall be provided with a properly installed service cock placed outside of the building.

No swinging or movable gas fixtures or brackets shall be used.

Section 12600-35. SECTION 34. ELECTRICAL WORK.

Where approved devices are mentioned the same shall be of such material, construction, mechanism and design as prescribed under the inspection rules and tests specified in the electric code.

Wiring. In assembly halls in which the auditorium is kept lighted during the entire performance or entertainment all wiring shall be done in approved conduit and be installed according to the electric code.

In theaters and assembly halls in which the auditorium is not kept lighted during the entire performance or entertainment, and in all theaters containing motion picture machines or scenery, the electric equipment shall be installed according to the following requirements.

SERVICES.

Two services. 1. Where source of supply is outside of building there shall be at least two separate and distinct services where practicable, fed from separate street mains, one service to be of sufficient capacity to supply current for the entire equipment of theater, while the other service shall be at least of sufficient capacity to supply current for all emergency lights. By "emergency lights" are meant exit lights and all lights in lobbies, stairways, corridors and other portions of theater to which the public have access which are normally kept lighted during the performance.

2. Where the source of supply is an isolated plant within the same building, an auxiliary service of at least sufficient capacity to supply all emergency lights shall be installed from some outside source, or a suitable storage battery within the premises will be considered the equivalent of such service.

STAGE.

1. All permanent construction on stage side of the proscenium wall shall be approved conduit or armored cable, with the exception of border and switchboard wiring.

Materials. 2. Switchboard shall be made of non-combustible non-absorptive material, and where accessible from stage level shall be protected by an approved guard-rail to prevent accidental contact with live parts on the board.

FOOTLIGHTS.

1. Shall be wired in approved conduit or armored cable, and each lamp receptacle shall be enclosed within

an approved outlet box or the whole may be enclosed in a steel trough, metal to be of a thickness not less than No. 20 B. & S. gauge, or each lamp receptacle may be mounted on or in an iron or steel box so constructed as to enclose all wires and live parts of receptacles.

2. Shall be so wired that no set of lamps requiring more than 1,320 watts will be dependent on one cut-out.

BORDERS.

1. Shall be constructed of steel of a thickness not less than No. 20 B. & S. gauge, treated to prevent oxidation, be suitably stayed and supported by a metal frame work, and so designed that flanges of the reflectors will protect the lamps.

2. Shall be so wired that no set of lamps requiring more than 1,320 watts will be dependent upon one cut-out.

Manner of wiring.

3. Shall be wired in approved conduit or armored cable, each lamp receptacle shall be enclosed within an approved outlet box or the whole may be enclosed in a steel trough, or each lamp receptacle may be mounted on or in the cover of a steel box so constructed as to enclose all the wires and the live parts of the receptacles and metal shall be of a thickness not less than No. 20 B. & S. gauge.

4. Shall be provided with suitable guards to prevent scenery or other combustible material coming in contact with lamps.

5. Cables shall be made up of approved stranded rubber-covered wires; conduit construction shall be used from switchboard to a point where cables must be flexible to permit of the raising and lowering of border, and flexible portion shall be enclosed in an approved fireproof hose or braid and be suitably supported.

An approved junction box shall be installed at the end of the conduit where the flexible cable leaves for the border.

6. For the wiring of the border proper, wire with approved slow-burning insulation shall be used.

7. Shall be suspended with wire rope, same shall be insulated from border by at least two approved strain insulators properly inserted.

STAGE POCKETS.

Shall be of approved type controlled from the switchboard, each receptacle shall be of not less than fifty (50) amperes rating, and each receptacle shall be wired with a separate circuit to its full capacity.

PROSCENIUM SIDE LIGHTS.

Shall be so installed that they cannot interfere with the operation of or come in contact with the curtain.

SCENE DOCKS.

Where lamps are installed in scene docks they shall be so located and installed that they will not be liable to mechanical injury.

CURTAIN MOTORS.

Shall be of ironclad type and installed so as to conform to the requirements of the electric code.

CONTROL FOR AUTOMATIC VENTILATORS.

1. No automatic stage ventilator shall be operated electrically unless the same be also operated automatically and manually as previously called for under section 16.

DRESSING ROOMS.

1. Shall be wired in approved conduit or armored cable.
2. All pendent lights shall be equipped with approved reinforced cord, armored cable or steel armored flexible cord.
3. All lamps shall be provided with approved guards.

PORTABLE EQUIPMENTS.

1. Arc lamps used for stage effects shall conform to the following requirements.

a. Shall be constructed entirely of metal except where the use of approved insulating material is necessary.

b. Shall be substantially constructed, and so designed as to provide for proper ventilation, and to prevent sparks being emitted from lamps when same is in operation, and mica shall be used for frame insulation.

c. Front opening shall be provided with a self-closing hinged door frame in which wire gauze or glass shall be inserted, excepting lens lamps, where the front may be stationary, and a solid door shall be provided on back or side.

d. Shall be provided with a one-sixteenth (1-16) inch iron or steel guard having a mesh not larger than one (1) inch, and be substantially placed over top and upper half of sides and back of lamp frame; this guard shall be substantially riveted to frame of lamp and shall be placed at a distance of at least two (2) inches from the lamp frame.

e. Switch on standard shall be so constructed that accidental contact with any live portion of same will be impossible.

f. All stranded connections in lamp at switch and rheostat shall be provided with approved lugs.

g. Rheostat, if mounted on standard shall be raised to a height of at least three (3) inches above the floor line, and in addition to being properly enclosed shall be surrounded with a substantially attached metal guard having a mesh not larger than one (1) square inch, which guard shall be kept at least one (1) inch from outside frame of rheostat.

h. A competent operator shall be in charge of each arc lamp, except that one operator may have charge of two lamps when they are not more than ten feet apart, and are so located that he can properly watch and care for both lamps.

BUNCHES.

1. Shall be substantially constructed of metal, and shall not contain any exposed wiring.

2. The cable feeding same shall be bushed in an approved manner where passing through the metal and shall be properly secured to prevent any mechanical strain from coming on the connection.

STRIPS.

1. Shall be constructed of steel of a thickness not less than No. 20 B. & S. gauge, treated to prevent oxidation, and suitably stayed and supported by metal framework.

2. Cable feeding strips shall be bushed in an approved manner where passing through the metal, and shall be properly secured to prevent any mechanical strain from coming on the connection.

PORTABLE PLUGGING BOXES.

Shall be constructed so that no current-carrying part will be exposed, and each receptacle shall be protected by approved fuses mounted on slate or marble bases and enclosed in a fireproof cabinet equipped with self-closing doors. Each receptacle shall be constructed to carry thirty (30) amperes without undue heating, and bus-bars shall have a carrying capacity equivalent to the current required for the total number of receptacles, allowing thirty (30) amperes to each receptacle, and approved lugs shall be provided for the connection of the master cable.

PIN PLUG CONDUCTORS.

1. When of approved type may be used to connect approved portable lights and appliances.

2. Shall be so installed that the "female" part of the plug will be on the live end of cable, and shall be so

constructed that tension on the cable will not cause any serious mechanical strain on the connections.

LIGHTS ON SCENERY.

Where brackets are used they shall be wired entirely on the inside, fixture stem shall come through to the back of the scenery and end of stem shall be properly bushed.

STRING OF FESTOONED LIGHTS.

Wiring for same shall be approved cable, joints where taps are taken from same for lights shall be properly made, soldered and tapped, and where lamps are used in lanterns or similar devices lamps shall be provided with approved guards. Where taps are taken from cable, they shall be so staggered that joints of different polarity will not come immediately opposite each other and shall be properly protected from strain.

SPECIAL ELECTRICAL EFFECTS.

Where devices are used for producing special effects such as lighting, water falls, etc., the apparatus shall be so constructed and located that flames, sparks, etc., resulting from the operation cannot come in contact with combustible material.

AUDITORIUM.

1. All wiring shall be installed in approved conduit or armored cable.

2. All fuses used in connection with lights illuminating all parts of the building used by the audience shall be installed in fireproof enclosures, so constructed that there will be a space of at least six (6) inches between the fuses, and the sides and face of enclosure.

EXIT LIGHTS.

Shall have not more than one set of fuses between same and service fuses.

Independent feeding.

Exit lights and all lights in halls, corridors or any other part of the building used by the audience, except the general auditorium lighting, shall be fed independently of the stage lighting and shall be controlled only from the lobby or other convenient place in front of the house.

Definition.

Under "exit" lights are included lights over all stairways and tunnels leading from the auditorium, balconies or galleries, lights over every door leading from the auditorium, balcony or galleries to streets, alleys, open courts or lobbies, in fact all lights as may be necessary to lead or direct the audience from the auditorium, balconies or galleries to such parts of the building as are normally kept lighted, or to streets, alleys or open courts.

Under "exit" lights are also included such lights as may be necessary to lead or direct all performers, stage employes including all persons on or about the stage, to public streets, alleys or open courts.

Box and sign.

Over each and every exit light shall be placed a box or receptacle not less than six (6) inches by six (6) inches by twelve (12) inches, made of galvanized iron of not less than twenty (20) B. & S. gauge or other incombustible material of equal weight and stiffness. Over each box or receptacle shall be placed a sign with the word "EXIT" in plain block transparent red letters not less than five (5) inches high.

Where necessary, signs shall also contain an illuminated arrow pointing to the means of egress.

Every portion of the theater devoted to the use or accommodation of the public, also all outlets leading to the streets and including all open courts, corridors, stairways, exits and inclosed fireproof stairways, shall be well and properly lighted during every performance, and the same shall remain lighted until the entire audience has left the premises.

Section 12600-36. SECTION 35. FINISHING HARDWARE.

All entrance and exit doors shall be equipped with hardware of such a nature as to be always unlockable from within.

Single outside doors used for exit purposes only, shall have a one-knob latch, or a double extension bolt as hereinafter mentioned and no bolts, hooks or other locking device shall be used on these doors.

Inside and outside doors, bolts, etc.

Single outside doors used for ingress and egress, shall have key locks that can be locked from the outside only, but can always be opened from the inside by simply turning the knob or lever, or by pushing against a bar or plate. No night lock attachment shall be placed on the face of these locks or other bolts, hooks, thumb latch or other locking device shall be used.

One of each pair of outside or inside double doors shall have a double extension bolt on same, bolts to be operated by knob, lever, push bar, push plate, push handle or other device whereby the simple act of turning a knob or lever or pushing against a bar, plate or handle will release the top and bottom bolts at the same time.

No independent top and bottom bolts shall be used.

Locks on these doors shall be the same as above called for, for single doors used for egress, or egress and ingress.

All bolts, latches, faces of locks, working parts of extension bolts and other exposed working parts about this hardware shall be of cast metal properly protected from corrosion.

Exit windows with sliding sash shall be provided with sash locks and two bar sash lifts, and hinged sash with either a sash lock, a one-knob latch or a lever bolt.

Section 12600-37. SECTION 36. FIRE EXTINGUISHERS.

Where a water supply of sufficient pressure is available the following standard stand pipes with lines of one and one-half (1½) inch hose shall be installed.

Stand pipes, hose, sprinklers, etc.

Theaters and assembly halls less than thirty (30) feet wide and less than one hundred (100) feet long, shall have stand pipes and hose placed as follows: one in the balcony, one at the rear of auditorium, one on the stage and one under the stage.

Theaters and assembly halls more than thirty (30) feet wide or more than one hundred (100) feet long shall be provided with stand pipes and hose placed as follows, viz.: one in auditorium; one in each balcony and gallery; one on each side of the stage; one in each fly gallery and one on each side of basement under the stage.

The above lines of hose shall not be more than seventy-five (75) feet long, and where lines of hose of the above length will not reach the extreme portions of the building additional stand pipes and hose shall be installed.

Where water supply of sufficient pressure is available automatic sprinklers operated by fuses shall be placed over the stage and in each property room, carpenter shop and paint room. Automatic sprinkler over the stage shall be placed not more than six (6) feet from the stage walls and between these points shall be spaced in both directions and more than ten (10) feet on centers.

Sprinklers shall be so designed as to operate at a temperature of from one hundred and sixty (160) to one hundred and sixty-five (165) degrees Fahrenheit.

Where water supply of sufficient pressure is not available, or where available is not of sufficient pressure to reach the various parts of the building for which the same is intended, in lieu of stand pipes and hose, standard chemical fire extinguishers shall be provided as follows:

Chemical fire extinguishers and location.

In theaters and assembly halls less than thirty (30) feet wide and not more than one hundred (100) feet long, chemical fire extinguishers shall be placed as follows: one in the heater room, two on the stage, two under the stage, one in dressing room section, two in auditorium, two in balcony and one in box office. In theaters and assembly halls more than thirty feet (30) wide or more than one hundred (100) feet long, chemical fire extinguishers shall be installed as follows: two on each side of stage, two in basement under stage, two in each fly gallery, one in each property room, one in each scene dock, one to every four dressing rooms or less, one in each foyer, one in each women's and men's retiring or toilet room, and one in each auditorium, balcony and gallery to each two thousand (2,000) square feet of floor space or less.

All extinguishers shall be prominently exposed to view and always accessible.

Section 12600-38. SECTION 37. FIRE PROOF PAINT.

All permanent stage scenery, curtains and decorations made of combustible material belonging to the building and all of the wood work on, above, or below the stage, shall be painted or saturated with some non-combustible material or otherwise rendered safe against fire.

Section 12600-39. SECTION 38. AISLES AND PASSAGEWAYS NOT TO BE BLOCKED.

All aisles, foyers and passageways in assembly halls and theaters shall be kept free from camp stools, chairs, sofas, and other obstructions, and no person shall be allowed to stand in or occupy any of the aisles, foyers or passageways during the performance or entertainment.

Section 12600-40. SECTION 39. HOOKS AND AXES.

A stage containing scenery and less than thirty (30) feet wide shall be provided with one fireman's ax and one twelve (12) foot hook.

A stage containing scenery and more than thirty (30) feet wide shall have one fourteen (14) foot hook in each fly gallery and one on each side of the stage.

A stage containing scenery and more than thirty (30) feet wide shall have one fireman's ax in each fly gallery, one on each side of the stage, and one on each side of the basement under the stage. All hooks and axes shall be prominently exposed to view and always accessible.

Section 12600-41. SECTION 40. SUMMER THEATERS AND AIR DOMES.

Summer theaters or air domes if built in "urban" districts located thirty (30) feet distant from any other building or structure, or adjoining lot lines, and at least two hundred (200) feet outside of the city fire limits, of no greater seating capacity than seven hundred and fifty (750) persons, not more than one story high, without balconies or galleries, may be constructed as follows:

The auditorium without a cellar or basement, with open sides or double the means of ingress and egress hereinbefore provided, opening directly into the surrounding courts or gardens at the grade level, may be built of frame construction providing the entire interior of the building including the stage, dressing rooms, property rooms, scene dock, storage rooms and auditorium, are lathed with metal lath and are plastered. Material and construction.

No tent, awning or similar device shall be used as a roof covering over the auditorium, otherwise summer theaters and air dome shall be constructed and equipped as previously mentioned under this title.

Section 12600-42.

SECTION 41. ROOF GARDENS.

No roof garden or roof theater shall be placed on the roof of any building unless the entire building is of fire proof construction, and no part of the said roof garden or roof theater shall be enclosed by walls or covered by roofs except the stage and the necessary appurtenances thereto.

Section 12600-43.

SECTION 42. MINOR THEATERS.

When an assembly hall or room of any academy, school, college, or other educational institution, or a concert hall in any club house or hotel, or the lodge room of a temple or place of assemblage of fraternal or other organizations, either for the exclusive use of the members or for the public at large, contains a stage and a limited amount of scenery as hereinafter described, such hall, room or place of assemblage is classified as a minor theater and such minor theaters shall comply with all the prescribed conditions for theaters and assembly halls, with the exception of the following modifications for the stage.

Stage equipment.

A minor theater stage containing not to exceed one permanent set of scenery, the entire set including the drop curtain containing not to exceed six hundred (600) square feet of surface, all scenery fireproofed as called for under section No. 37 and containing no transient scenery, may be used in connection with an assembly hall and need not be provided with fire stops, asbestos curtain or stage ventilator; otherwise such a minor theater shall be designed, constructed and equipped as prescribed for assembly halls.

A minor theater stage built in excess of the above requirements but containing not to exceed three entrances (scenery term) not over fifteen (15) feet deep, not over twenty-five (25) feet wide, all scenery fireproofed as called for under section No. 37 and containing no traps or transient scenery, may be built in connection with an assembly hall under the following conditions, viz., the stage shall be separated from the auditorium or other parts of the building by standard fire walls and all communicating openings through these walls shall be covered by standard automatic or self closing fire doors; if the stage is built above or below other rooms or apartments the stage shall be separated from the other rooms or apartments by fire proof walls, ceilings and floors, the area of the automatic stage ventilator may be reduced to one-sixteenth (1-16) the area of the stage; the proscenium opening shall be covered by a curtain as called for under section No. 17, otherwise the stage shall be designed, constructed and equipped as prescribed for theaters, and the auditorium shall be designed, constructed and equipped as prescribed for assembly halls.

Buildings containing a stage built in excess of the above requirements shall be designed, constructed and equipped as prescribed for theaters.

OHIO STATE BUILDING CODE.

PART 2.

SPECIAL REQUIREMENTS.

TITLE 3.

SCHOOL BUILDINGS.

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TITLE 3.

SCHOOL BUILDINGS.

Section 12600-44.

SECTION 1. CLASSIFICATION.

Under the classification of school buildings are included all public, parochial and private schools, colleges, academies, seminaries, libraries, museums and art galleries, including

all buildings or structures containing one or more rooms used for the assembling of persons for the purpose of acquiring knowledge, or for mental training.

GRADE A. Under this grade are included all rooms or buildings appropriated to the use of primary, grammar or high schools, including all rooms or buildings used for school purposes by pupils or students eighteen (18) years old or less.

GRADE B. Under this grade are included all rooms or buildings appropriated to the use of schools, colleges, academies, seminaries, libraries, museums, and art galleries; including all rooms or buildings not included under grade "A".

Section 12600-45. SECTION 2. CLASS OF CONSTRUCTION REQUIRED.

GRADE A. Where the main first floor line is eight (8) feet or more above the grade line at any entrance to or exit from any story above the basement, the basement shall be rated as the first story. Stories over fifteen (15) feet high, measuring from the floor to the ceiling line shall be rated as two stories. All buildings more than two stories high shall be of fireproof construction.

All buildings two stories high and less shall be of fireproof or composite construction.

No school building of grade A shall be built more than three (3) stories high.

GRADE B. Where any floor level is more than twenty-six (26) feet above the grade line at any entrance to or exit from the building, the building shall be of fireproof construction.

Where floor levels are less than twenty-six (26) feet above the grade line at any entrance to or exit from the building, the building shall be of composite or fireproof construction.

No school building of grade B shall be built more than five stories high nor shall the topmost floor level be more than fifty (50) feet above the grade line at any entrance to or exit from the building.

GRADES A AND B. EXCEPTIONS: All buildings one story high, without basement and with the floor line not more than four (4) feet above the grade line shall be of fireproof, composite or frame construction, providing when built of frame construction the same is erected thirty (30) feet away from any other building structure or lot line, and two hundred (200) feet beyond the city fire limits.

Section 12600-46. SECTION 3. EXPOSURE AND COURTS.

EXPOSURE. No building of grade B shall occupy more than ninety-five (95) per cent. of a corner lot nor more than ninety (90) per cent. of an interior lot or site.

No building of grade A shall occupy more than seventy-five (75) per cent. of a corner lot nor more than sev-

enty (70) per cent. of an interior lot or site. The measurements being taken at the lowest tier of floor joists.

No wall of any building coming under this classification containing windows used for lighting school or class rooms shall be placed nearer any opposite building, structure or property line than thirty (30) feet.

COURTS. By inner court is meant an open shaft or court, surrounded on all sides by walls. Definitions.

By recess court is meant an open air shaft or court, having one side or end opened, and when such opening is on a lot line, it is an inner court.

Recess or inner light courts may be used, providing the least distance between any two opposite walls containing windows for lighting class and school rooms is equal to the height from the lowest window sill to the top of the highest cornice or fire wall. All walls to inner or recess courts shall be of masonry or other fireproof construction (except for buildings of frame construction.) Inner light courts permitted.

No inner or recess court shall be covered by a roof, skylight, or other obstruction.

If area ways are used for lighting basements, the width of the area shall be not less than equal to the height from the lowest window sill to the top of the adjoining grade line.

Section 12600-47. SECTION 4. SUB-DIVISIONS AND FIRE STOPS.

Buildings of this classification built in connection with a building of a lower grade of construction, shall be separated from the other parts of the building by a standard fire wall, and all communicating openings in these walls shall be covered by double standard fire doors, using self closing door on one side of the wall and an automatic fire door or an automatic rolling steel shutter on the other. The automatic shutters or doors for openings used as a means of ingress or egress shall be kept open during the occupancy of the building. Fire wall between sub-divisions.

All rooms or apartments used for general storage, storing of furniture, carpenter shops, general repairing, paint shops or other equally hazardous purposes shall be constructed with fireproof walls, ceilings and floors, and all openings between these rooms or apartments and the other parts of the building shall be covered by double standard fire doors, using a self closing door on one side of the wall and an automatic fire door or an automatic rolling steel shutter on the other.

No open wells communicating between any two stories shall be used, except the necessary stair and elevator walls.

All exterior and court walls of buildings coming under this classification (except buildings of frame construction) within thirty (30) feet of any other building, structure or lot line shall be provided with the following fire stops, viz:

Walls shall be standard fire walls;

All windows shall be automatic standard fireproof windows, and all door openings shall be covered by standard hinged fire doors without any automatic attachments.

Section 12600-48. SECTION 5. HEATER ROOM.

Boilers.

Furnaces, hot water heating boilers and low pressure steam boilers may be located in the buildings, providing the heating apparatus, breeching, fuel room and firing room are inclosed in a standard fireproof heater room, and all openings into the same are covered by standard self closing fire doors.

No boiler or furnace shall be located under any lobby, exit, stairway or corridor.

No cast iron boiler carrying more than 10 pounds pressure or steel boiler carrying more than 35 pounds pressure shall be located within the main walls of any school building.

Section 12600-49. SECTION 6. BASEMENT ROOMS.

No rooms used for school purposes shall be placed wholly or partly below the grade line. Rooms for domestic science, manual training and recreation may be placed partly below grade, provided the same are properly lighted, heated and ventilated.

Section 12600-50. SECTION 7. DIMENSIONS OF SCHOOL AND CLASS ROOMS.

Dimensions.

FLOOR SPACE. The minimum floor space to be allowed per person, in school and class rooms, shall not be less than the following, viz.:

Primary grades sixteen (16) square feet per person.

Grammar grades eighteen (18) square feet per person.

High schools twenty (20) square feet per person.

All other schools and class rooms twenty-four (24) square feet per person.

CUBICAL CONTENTS. The gross cubical contents of each school and class room, shall be of such a size as to provide for each pupil or person not less than the following cubic feet of air space, viz.: Primary grades 200 cubic feet, grammar grades 225 cubic feet, high schools 250 cubic feet and in grade B buildings 300 cubic feet.

HEIGHT OF STORIES. Toilet, play and recreation rooms shall be not less than eight (8) feet high in the clear measuring from the floor to the ceiling line.

The height of all rooms, except toilet, play and recreation rooms shall be not less than one-half the average width of the room, and in no case less than ten (10) feet high.

CAPACITY OF ROOMS. The plans shall be clearly marked showing the maximum number of pupils or persons to be accommodated in each room.

Section 12600-51.

SECTION 8. REST ROOMS.

In all school buildings of grade "A" containing four and not more than eight school or class rooms, a rest or hospital room shall be provided, and in all school buildings of grade "A" containing more than eight school or class rooms, two such rooms shall be provided.

These rooms shall be provided with a couch and supplies for first aid to the injured, and where water supply is available shall be provided with water closets and sinks.

Section 12600-52.

SECTION 9. ASSEMBLY HALLS.

A room seating or accommodating more than one hundred (100) persons shall be considered as an assembly hall.

No assembly hall in a building of grade A shall be located above the second story in a building of fireproof construction, nor above the first story in a building of composite construction.

Otherwise assembly halls shall be constructed and equipped as called for under part 2, title 1.

Section 12600-53.

SECTION 10. SEATS, DESKS AND AISLES.

SECURING SEATS. Seats, chairs and desks placed in class, recitation, study and high school rooms seating more than fifteen (15) persons, shall be securely fastened to the floor. Desks and chairs used by the teachers may be portable.

ASSEMBLY HALL SEATS AND AISLES. Assembly hall seats and aisles shall be as called for under part 2, title 1.

CLASS ROOM SEATS AND AISLES. Class and school rooms shall have aisles, on all wall sides.

In primary rooms, center aisles shall not be less than seventeen (17) inches, and wall aisles not less than two feet four inches (2′ 4″) wide.

In grammar rooms, center aisles shall not be less than eighteen (18) inches and wall aisles not less than two feet six inches (2′ 6″) wide.

In high school rooms, center aisle shall not be less than twenty (20) inches and wall aisles not less than three (3) feet.

In all other class and school rooms, center aisles shall not be less than twenty-four (24) inches, and wall aisles not less than three (3) feet.

Section 12600-54.

SECTION 11. OPTICS.

Light.

The proportion of glass surface in museums, libraries and art galleries, shall be not less than one (1) square foot of glass to each six (6) square feet of floor area.

The proportion of glass in each class, study, recitation, high school room and laboratory, shall be not less than

one (1) square foot of glass to each five (5) square feet of floor area. (For glass surface in rooms used for domestic science and manual training, see part 2, title 7, workshops, factories and mercantile establishments.)

The proportion of glass surface in each play, toilet or recreation room, shall be not less than one (1) square foot of glass to each ten (10) square feet of floor area.

Windows shall be placed either at the left, or the left and rear of the pupils when seated.

Windows.

Tops of windows, except in libraries, museums and art galleries shall not be placed more than eight (8") inches below the minimum ceiling height as established under section 7.

The unit of measurement for the width of a properly lighted room, when lighted from one side only, shall be the height of the window head above the floor.

The width of all class and recitation rooms when lighted from one side only, shall never exceed two and one-half times this unit measured at right angles to the source of light.

All windows shall be placed in the exterior walls of the building, except for halls, corridors, stock and supply closets which may be lighted by ventilated skylights or by windows placed in interior walls or partitions.

Museums, libraries and art galleries may be lighted by skylights, or clear story windows.

Section 12600-55.

SECTION 12. MEANS OF EGRESS.

Entrances and exits.

All means of egress or exit, shall be exit doors unless the same lead to A standard fire escapes, which shall be either exit doors or exit windows.

Grade A Buildings, of Fireproof Construction. Means of egress from rooms in the basement and superstructure shall be in proportion to three (3) feet in width to each one hundred (100) persons to be accommodated in building accommodating not more than five hundred (500) persons.

When buildings accommodate from five hundred (500) to one thousand (1,000) persons, two (2) feet additional exit width shall be provided for each one hundred (100) persons or fraction thereof in excess of five hundred (500) persons.

When buildings accommodate more than one thousand (1,000) persons, one (1) foot additional exit width shall be provided for each one hundred (100) persons or fraction thereof in excess of one thousand (1,000) persons, but in no case shall an exit be less than three (3) feet or more than six (6) feet wide.

No inclosed standard fireproof stairways or fire escapes will be necessary for buildings of fireproof construction and all exits shall lead to the main corridors.

GRADE A. BUILDINGS OF COMPOSITE CONSTRUCTION. Each room in the superstructure used by pupils as a class

or school room, shall have at least two separate and distinct means of egress.

No class, school or high school room shall have more than one door or opening between it and the main halls or corridors of the building.

Communicating doors. Communicating doors between two class or school rooms shall not be considered as a means of egress.

The proportion of exits to the seating capacity shall not be less than three (3) feet to each one hundred (100) persons to be accommodated.

Exits and stairways. One-half of the exits shall lead to the main corridors, and the other half to inclosed fireproof stairways, B, C or D standard fire escapes or stone, cement or iron steps leading to the grade line. No exit door shall be less than three (3) feet or more than six feet wide. No fire escape or outside stairway shall be used when the height of the same exceeds eight (8) feet above the grade line.

Each room in the basement used by the pupils shall have a direct exit not less than three (3) feet wide, with stone, cement or iron stairways leading up to the grade line. Stairways shall be not less than three feet six inches (3′ 6″) wide.

Areaways around such stairways shall have substantial hand and guard rails on both sides.

These exits shall be provided in addition to the usual service stairways and means of ingress.

GRADE B. BUILDINGS OF FIREPROOF OR COMPOSITE CONSTRUCTION. Each room or apartment used for any purposes other than storage shall have two separate and distinct means of egress.

Location of exits. If the various rooms connect directly with a hallway, means of egress at each end of the hallway will be sufficient; providing however that it is not necessary to pass one means of egress in order to reach the other.

These means of egress shall be either an inside stairway running continuously from the grade line to the topmost story, or from the basement to the grade line; A, B, C or D standard fire escapes; stone, cement or iron steps leading to the grade line; or self-closing doors leading directly to the main corridor of an adjoining section of the same building containing a stairway.

Means of egress shall be at the rate of three (3) feet per hundred persons to be accommodated.

It shall be presumed that half the persons will go to either means of egress.

In libraries, museums, and art galleries, the capacity of the building shall be established by allowing to each person fifteen (15) square feet of floor area in all lobbies, exhibition rooms, toilet rooms, corridors, stairs and other public parts of the building.

GRADE A AND B. BUILDINGS OF FRAME CONSTRUCTION. Each room shall have at least, two three (3) feet exits; one leading to the open with steps to the grade, and the

other the usual means of ingress; and all steps shall have hand rails on both sides.

Sign.

SIGNS. Over each exit door shall be painted a sign indicating the word EXIT in plain block letters not less than six (6) inches high.

Section 12600-56.

SECTION 13. STAIRWAYS.

GRADE A. BUILDINGS OF FIREPROOF CONSTRUCTION. Buildings of fireproof construction shall have at least two stairways located as far apart as possible and the same shall be continuous from the grade line to the topmost story.

Number of stairways and construction.

The basement shall have at least two stairways located as far apart as possible and run from the basement floor level to the grade line, which stairway may be placed under the main stairway. No further means of egress will be necessary.

Stairways shall be enclosed with masonry of fireproof walls with standard self-closing fire doors at each story, and shall be provided with platforms and exit doors not less than three feet (3') wide at the grade line.

GRADE A. BUILDINGS OF COMPOSITE CONSTRUCTION. Basement stairways shall be enclosed with either brick walls not less than nine (9) inches thick, concrete walls six inches (6") thick, or hollow tile walls twelve inches (12) thick.

Self-closing doors.

All openings in these walls shall be provided with standard self-closing fire doors. The width of stairways required under this classification shall be equally divided, one-half being placed in the main service stairways and the other half in the enclosed fireproof stairs or fire escapes. No closet for storage shall be placed under any stairway.

GRADE B. BUILDINGS OF FIREPROOF CONSTRUCTION. Stairways shall be separated from the other parts of the building by masonry or fireproof partitions with standard self-closing fire doors.

Wire glass not less than one-quarter inch (¼") thick, set in stationary metal sash and frames may be used in place of stairway partitions. No wire glass shall be placed in partitions separating stairways from work or storage rooms containing highly combustible material.

Stairways shall be provided with grade line platforms with exit doors not less than three (3) feet wide leading to streets, alleys or open courts.

GRADE B. BUILDINGS OF COMPOSITE CONSTRUCTION. In buildings of composite construction the stairways shall be separated from the other parts of the building by masonry or fireproof walls, with fireproof ceiling at the topmost story, with fireproof floor at the lowermost level, and all openings to these inclosures shall be provided with standard self-closing fire doors.

The above enclosures shall be provided with grade line

platforms, and with exit doors not less than three (3) feet wide leading to streets, alleys or open courts.

No closet for storage shall be placed under any stairway.

MONUMENTAL STAIRS. Monumental stairs from the basement to the second story may be used in buildings of grade B, providing they are placed as far distant from the other stairways as possible.

STAIRWAY CONSTRUCTION. Width of stairways shall be at the rate of three feet per one hundred (100) persons accommodated in buildings accommodating not more than five hundred (500) persons, when building accommodates from five hundred (500) to one thousand (1,000) persons two feet of additional stairway width shall be provided for every one hundred (100) persons or fraction thereof in excess of five hundred (500), when buildings accommodate more than one thousand (1,000) persons, one foot additional stairway width shall be provided for every one hundred (100) persons or fraction thereof in excess of one thousand (1,000) persons. Construction and dimensions of stairways.

No stairway shall be less than three feet six inches (3′ 6″) nor more than six (6) feet wide measuring between the hand rails. Stairways over six (6) feet wide shall have substantial center hand rails with angle and newel posts not less than six (6) feet high. No stairway shall have less than three (3) nor more than sixteen (16) risers in any run.

No stairway shall have winders and all nosing shall be straight.

A uniform width shall be maintained in all stairways and stair platforms by rounding the corners and beveling the angles.

Hand rails shall be provided on both sides of all stairways and steps.

Outside stairways and areaways shall be provided with guard rails not less than two feet six inches (2′ 6″) high.

Stairways shall have a uniform rise and tread in each run as follows, viz.:

Primary schools shall have not more than a six (6) inch rise nor less than eleven (11) inch tread.

Grammar schools shall have not more than a six and one-half (6½) inch rise nor less than eleven (11) inch tread.

All other schools shall have not more than a seven (7) inch rise nor less than ten and one-half (10½) inch tread.

The above dimensions shall be from tread to tread, and from riser to riser.

No door shall open directly upon a stairway, but shall open on a platform or landing equal in length to the width of the door.

In combination primary and grammar school buildings all stairways below the first floor level shall be designed for primary school pupils, and all stairways above the first floor

level may be designed for either primary or grammar pupils.

No closet for storage shall be placed under any stairway.

All treads shall be covered with rubber or lead mats or equal non-slipping surface.

Section 12600-57.

SECTION 14. GRADIENTS.

To overcome any difference in floor levels which would require less than three risers, gradients shall be employed of not over one (1) inch rise in twelve (12) inch run.

Floors at all exits shall be so designed as to be level and flush with the adjacent floors.

Section 12600-58.

SECTION 15. PASSAGEWAYS.

No hall or passageway leading to a stairway or exit shall be less in width of the stairway or exit, as the case may be.

Halls and passageways shall be so designed and proportioned as to prevent congestion and confusion.

Section 12600-59.

SECTION 16. ELEVATORS.

Elevators shall be enclosed in standard fire walls, or by fireproof walls, ceilings and floors, and all openings to the enclosures shall be covered by standard fire doors for elevators.

Section 12600-60.

SECTION 17. EXIT DOORS AND WINDOWS.

Dimensions.

Exit doors shall not be less than three (3) feet wide, nor less than six feet four inches (6′ 4″) high, level with the floor, swing outward, viz.: toward the open, or towards the natural means of egress, and shall be so hung as not to interfere with passageways or close other openings.

No single door or leaf to a double door shall be more than four (4) feet wide. No two doors hinged together shall be used as a means of ingress or egress. Accordion doors may be used in dividing class rooms, providing the free sections swing outward and give the required amount of exit width.

No double acting, rolling, sliding or revolving exit or entrance doors shall be used.

Exit windows leading to "A" standard fire escapes shall have the lower sash hinged to the side to swing out, or hung on weights to rise. This sash shall be not less than two feet six inches (2′ 6″) wide, not less than three (3) feet high and not more than two (2) feet above the floor line.

lection 12600-61. SECTION 18. SCUTTLES.

Every building exceeding twenty-five (25) feet in height shall have in the roof a bulk-head or scuttle not less than two (2) feet wide and not less than three (3) feet long, covered on the outside with metal and provided with a stairway or permanent ladder leading thereto.

Bulk-head and scuttle doors shall never be locked.

lection 12600-62. SECTION 19. SPECIAL CONSTRUCTION.

Floors of toilet rooms.

All floors to toilet rooms, lavatories, water closet compartments, or any enclosure where plumbing fixtures are used within the building, shall have a waterproof floor and base made of non-absorbent indestructible waterproof material, viz.: Asphalt, glass, marble, vitrified or glazed tile or terrazzo, or monolithic composition.

Base shall be not less than six (6) inches high and shall have a sanitary cove at the floor level.

All basement rooms used by the pupils or public shall have a damp or waterproof floor.

All basement ceilings except where concrete or brick is used shall be plastered or be covered with pressed or rolled steel ceiling.

Whenever possible, window and door jambs shall be rounded and plastered, except in museums, libraries and art galleries.

All interior wood finish shall be as small as possible and free from unnecessary dust catchers.

All floors between the finished portions of the building shall be deadened or made sound proof.

ection 12600-63. SECTION 20. FLOOR AND ROOF LOADS.

In calculating constructing the superimposed load uniformly distributed on the various floors and roofs shall be assumed at not less than the following, viz.:

Class rooms, sixty (60) pounds per square foot.

Halls, assembly halls, stairs and corridors, eighty (80) pounds per square foot.

Museums, libraries and art galleries, one hundred (100) pounds per square foot.

Attics not used for storage, twenty (20) pounds per square foot.

Roofs, forty (40) pounds per square foot.

ection 12600-64. SECTION 21. HEATING AND VENTILATION.

A heating system shall be installed which will uniformly heat all corridors, hallways, play rooms, toilet rooms, recreation rooms, assembly rooms, gymnasiums and manual training rooms to a uniform temperature of 65 degrees in zero weather; and will uniformly heat all other parts of the building to 70 degrees in zero weather.

EXCEPTIONS. Rooms with one or more open sides used for open air or outdoor treatment.

Heating and ventilation.

The heating system shall be combined with a system of ventilation which will change the air in all parts of the building except the corridors, halls, and storage closets not less than six times per hour.

The heating system to be installed where a change of air is required, shall be either standard ventilating stoves, gravity or mechanical furnaces, gravity indirect steam or hot water; or a mechanical indirect steam or hot water system.

Where wardrobes are not separated from the class room they shall be considered as part of the class room and the vent register shall be placed in the wardrobe.

These wardrobes are separated from the class rooms, they shall be separately heated and ventilated the same as the class rooms.

The bottom of warm air registers shall be placed not less than eight (8) feet above the floor line, except foot warmers which may be placed in the floors of the main corridors or lobbies.

Vent registers shall be placed not more than two inches (2") above the floor line.

The fresh air supply shall be taken from the outside of the building and no vitiated air shall be re-heated. The vitiated air shall be conducted through flues or ducts and be discharged above the roof of the building.

A hood shall be placed over each and every stove in the domestic science room, over each and every compartment desk or demonstration table in the chemical laboratories and chemical laboratory lecture rooms, of such a size as to receive and carry off all offensive odors, fumes and gases.

These ducts shall be connected to vertical ventilating flues placed in the walls and shall be independent of the room ventilation as previously provided for.

Where electric current is available electric exhaust fans shall be placed in the ducts or flues from the stove fixtures in domestic science rooms and chemical laboratories, and where electric current is not available and a steam or hot-water system is used, the main vertical flues from the above ducts shall be provided with accelerating coils of proper size to create sufficient draught to carry away all fumes and offensive odors.

Section 12600-65.

SECTION 22. SANITATION.

Where a water supply and sewerage system are available a sanitary equipment shall be installed as follows:

In the superstructure of the building one sink and one drinking fountain shall be installed on each floor to each six thousand (6000) square feet of floor area or less.

In the basement one sink and one drinking fountain

shall be installed on the males' side, and the same on the females' side to each three hundred and fifty (350) pupils, or less.

Sinks shall be the ordinary slop sinks, or in lieu of same, lavatories may be used providing the waste plug or stopper has been removed.

Drinking fountains, sinks, closets, etc.

Sanitary schoolhouse drinking fountains with jet giving a continuous flow of water shall be installed, and no tin cups or tumblers shall be allowed in or about any school building.

In libraries, museums and art galleries there shall be provided the following fixtures, viz:

One water closet to each one hundred (100) females, or less.

One water closet to each two hundred (200) males, or less.

One urinal to each two hundred (200) males, or less.

The above to be based upon the actual number of persons to be accommodated, the capacity, being established as prescribed under section 12, means of egress.

In all other school buildings there shall be provided the following fixtures, viz.:

One water closet for each (15) females or less.

One water closet for each twenty-five (25) males or less.

One urinal for each fifteen (15) males or less.

Toilet accommodations for males and females shall be placed in separate rooms, with a traveling distance between the same of not less than twenty (20) feet.

Juvenile or short closets shall be used for primary and grammar grade schools. This does not apply when latrine closets are used.

In buildings accommodating males and females it shall be presumed that the occupants will be equally divided between males and females.

Where water supply and sewerage systems are not available no sanitary equipment shall be installed within the building, but pumps in lieu of drinking fountains, closets and urinals in the above proportions shall be placed upon the school building grounds, and no closets or urinals shall be placed nearer any occupied building than fifty (50) feet.

Where pumps or hydrants are used the outlet shall be inverted.

Buildings more than three stories in height shall be provided with toilet rooms in each story and basement, and in these shall be installed water closets and urinals in the above required ratios in proportion to the number of persons to be accommodated in the various stories.

Toilet rooms for males shall be clearly marked "Boys' toilet" or "Men's toilet" and for females "Girls' toilet" or "Women's toilet."

Section 12600-66.

SECTION 23. GAS LIGHTING.

A system of gas lighting if used shall be installed as follows:

All outlets in class and recitation rooms shall be dropped from the ceiling and be equally distributed so as to uniformly light the room.

Burners.

The number of burners provided shall not be less than the following:

In auditoriums one three (3) foot burner to each fifteen (15) square feet of floor area.

In gymnasiums one three (3) foot burner to each fifteen (15) square feet of floor area.

In halls and stairways one three (3) foot burner to each twenty-four (24) square feet of floor area.

In class and recitation rooms one three (3) foot burner to each twelve (12) square feet of floor area.

Enclosed fireproof stairways, service stairways, corridors, passageways and toilet rooms, shall be well lighted by artificial light and said lights shall be kept burning when the building is occupied after dark.

Burners shall be placed seven (7) feet above the floor line.

No swinging or movable gas fixtures or brackets shall be used.

Section 12600-67.

SECTION 24. ELECTRIC WORK.

An electric lighting system if used shall be installed as follows:

Wiring.

All wiring shall be done in conduit. All outlets in class and recitation rooms shall be dropped from the ceiling and be equally distributed so as to uniformly light the room.

Lighting.

The candle power of lamps provided shall not be less than the following, viz:

Auditorium one candle power to two and one-half square feet of floor area.

Gymnasium one candle power to two and one-half square feet of floor area.

Halls and stairways one candle power to four square feet of floor area.

Class and recitation rooms one candle power to two square feet of floor area.

Enclosed fireproof stairways, service stairways, corridors, passageways and toilet rooms shall be lighted by artificial light, and said lights shall be kept burning when the building is occupied after dark.

Section 12600-68.

SECTION 25. FINISHING HARDWARE.

All entrance, exit and emergency doors shall be equipped with hardware of such nature as to be always unlockable from within.

Locks, knobs, levers, etc.

Single outside entrance doors shall have key locks that can be locked from the outside, but can always be opened on the inside, by simply turning the knob or lever, or by pushing against a bar or plate, whether same are locked on the outside or not, the locks being operated by key from the outside only. No night latch attachment shall be placed on face of these locks, or other bolts, hooks, thumb knobs or other locking device shall be placed on these doors.

Outside doors used for exit purposes only, including doors to inclosed fireproof stairways shall have one knob latch or a double extension bolt as hereinafter mentioned, and no bolts, hooks, or other locking device shall be placed on these doors.

Doors from halls to rooms and cloak rooms shall have no locks upon same, but shall be equipped with knob latches only. If locks are desired, the same style locks as above specified for entrance doors shall be used and the same shall be so placed on the door so that they can be locked on the hall side, and can always be opened on the room or cloak room sides, whether locked on hall side or not.

One of each pair of outside or inside double doors shall have a double extension panic bolt on same, bolt to have knob, lever, push bar, push plate, push handle, or device whereby the simple act of turning a knob, or lever, or pushing against the same will release the top and bottom bolts at the same time and allow the doors to open.

Independent top and bottom bolts shall not be used.

The outer door of each pair of outside and inside double doors shall have lock, or latch as above specified.

All bolts, latches, face of locks, working parts of extension bolts, and other exposed working parts about this hardware shall be of cast metal properly protected from corrosion.

Double box windows to A standard fire escapes shall be provided with sash locks and two bar lifts, and hinged sash with either a sash lock, one knob latch or lever bolt.

Section 12600-69.

SECTION 26. FIRE EXTINGUISHERS.

Hose.

Standard stand pipe and hose shall be provided in basement of grade A buildings and in each story and basement of grade B buildings with sufficient length of one and one-half (1½) inch hose to reach any part of the story.

Hose lengths shall be not more than seventy-five (75) feet, and where hose of such length will not reach the extreme portions of the story additional standpipes and hose shall be provided.

Where water supply is not available, standard chemical fire extinguishers shall be provided in the proportion of one (1) extinguisher to each two thousand (2,000) square feet of floor area or less.

Standard chemical fire extinguishers shall be provided in each story above the basement of grade A buildings in

the proportion of one extinguisher to each two thousand (2,000) square feet of floor area, or less.

All fire extinguishers shall be prominently exposed to view and always accessible.

Section 12600-70. SECTION 27. FIRE ALARM.

Gongs. All buildings with basement, and all buildings over one story high shall be provided with eight (8) inch in diameter trip fire gongs with connections enabling the ringing of same from any story or basement.

In semi-detached buildings gongs shall be provided for each section and shall be connected up so as to ring simultaneously from any story or basement of either section.

Gongs shall be centrally located in the main halls, and the operating cords shall be placed so as to be always accessible.

EXCEPTIONS. In institutions for the deaf, electric lights with red globes shall be placed near each teacher's desk, and these shall be operated simultaneously by switches placed in each story and basement.

Section 12600-71. SECTION 28. BLOWERS IN WORKSHOPS.

For blowers in workshops and factories, including rooms for manual training, see General Code, state of Ohio, section No. 1027.

Section 12600-72. SECTION 29. GUARDING MACHINERY AND PITS.

For the necessary devices for guarding machinery and pits, see General Code, state of Ohio, section No. 1027.

OHIO STATE BUILDING CODE.

PART 3.

STANDARD DEVICES.

PREAMBLE TO PART 3.

Under the different titles of part 3 will be found detailed descriptions of, or specifications for the various standard devices to which reference is made under the several titles of part 2.

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4. Smoke pipe.
5. Ventilation.

TITLE 11. STANDARD STAND PIPES AND HOSE.

SECTION.

1. Sandard stand pipes.
2. Standard hose.

TITLE 12. STANDARD FIRE EXTINGUISHERS.

SECTION.

1. Three gallon chemical fire extinguishers.
2. Barrels of salt water.
3. Sand pails.

PART 3.

STANDARD DEVICES.

TITLE 1.

STANDARD CONSTRUCTION.

Section 12600-73. SECTION 1. FIREPROOF CONSTRUCTION.

This classification includes such buildings as are built entirely of incombustible, fire and water proof material, with all metal structural parts thoroughly fireproofed.

When the height of the building measured from the average grade line to the ceiling of the topmost story exceeds seventy-five (75) feet, the floors, doors, windows and the usual trim of the rooms shall be of incombustible materials.

When the height of the building measuring from the average grade line to the ceiling of the topmost story is seventy-five (75) feet or less, the floors, doors, windows and the usual trim of the rooms may be of the ordinary wood construction with no open air spaces behind the wood.

Section 12600-74. SECTION 2. MILL CONSTRUCTION.

Materials and dimensions.

This classification includes such buildings as have the enclosing walls and roof covering made of incombustible materials and wherein the post timbers are not less than 10x10 inches except those supporting the roof, which may be 8x8 inches, the main floor girders being not less than 10 inches in width and the girders next to the walls, and floor beams not less than 6 inches in width, roof girders not less than 8 inches in width and all beams and girders not less than 10 inches in depth, and where the floors are double and the under-flooring is not less than two and one-quarter (2¼) inches thick and the top flooring not less than seven-eighths (⅞) of an inch thick, with the under-flooring tongued and grooved, splined or laid on edge with broken joints and thoroughly spiked together and the upper flooring tongued and grooved and well nailed, and between which floors are laid at least two (2) thicknesses of water proofed fabric. The dimensions herein given are for timbers before being dressed.

Under this classification no wood girders or trusses shall be used to support masonry walls.

Section 12600-75. SECTION 3. COMPOSITE CONSTRUCTION.

Materials and construction.

This classification includes such buildings as have the inclosing walls and roof covering of incombustible materials with doors, windows and frames of wood, and the interior walls of brick; or, columns and girders made of

fireproofed iron and steel, or with exposed wood girders containing not less than eighty (80) square inches of cross section or exposed wood posts containing not less than sixty-four (64) square inches of cross section; or with wood roof trusses built of timbers containing not less than sixteen (16) square inches; and with the floor construction of wood beams.

Under this classification no wood girders or trusses shall be used to carry masonry walls.

In buildings of this class a single thickness of metal lath or furring and hard incombustible plaster will be deemed sufficient protection for iron and steel columns and girders.

Section 12600-76. SECTION 4. FRAME CONSTRUCTION.

This classification includes such buildings as have the inclosing and interior partition walls constructed entirely of wood.

Wood frames covered with brick, stone or other veneer shall be included in this class.

NOTE:—For a more complete description of the various classes of construction see subsequent parts of this code on general building construction.

TITLE 2.

STANDARD FIRE WALLS AND FIRE STOPS.

Section 12600-77. SECTION 1. STANDARD FIRE WALLS.

Where standard fire walls are required the same shall start at the foundation (except for inner and recess courts beginning at a higher level); and when used in connection with buildings of fireproof construction shall be continued up to the highest fireproof slab, and when used in connection with buildings of mill, composite or frame construction, the same shall extend three (3) feet above the highest adjoining roof line and be capped with stone, tile or other indestructible material.

These walls shall be not less than the following, viz.: Brick not less than twelve (12) inches thick, monolithic concrete not less than eight (8) inches thick, or a brick wall four (4) inches thick combined with a monolithic concrete wall six (6) inches thick.

Walls above the roof line shall be of the same thickness as walls in the topmost story.

When necessary the above dimensions shall be increased as called for under subsequent parts of the code.

Section 12600-78. SECTION 2. FIREPROOF WALLS, CEILINGS AND FLOORS.

Where masonry or fireproof walls, or fireproof ceilings and floors are called for under the various titles of part 2,

including stairway and elevator enclosures, and fire stops between the different kinds of occupancy in the same building; the walls shall be of brick not less than twelve (12) inches thick or of monolithic concrete not less than eight (8) inches thick and the floor and ceilings shall be of not less than the following, viz.: Reinforced concrete four (4) inches thick, brick arches four (4) inches thick covered with one (1) inch of cement mortar and supported by fireproof steel with the necessary tie rods, or by hollow tile arches six (6) inches thick covered with two (2) inches of concrete, plastered on the under side and supported by fireproof steel with the necessary tie rods. Dimensions.

The above walls shall start from the foundation or shall be supported upon fireproofed steel girders and masonry piers, or fireproofed steel carried down to the foundation.

Where necessary the thickness of the above walls, floors and ceilings shall be increased as called for under subsequent parts of this code.

Openings placed in or through the above fireproof floors or ceilings shall be covered by standard fire doors.

TITLE 3.

STANDARD FIRE DOORS.

Section 12600-79. SECTION 1. NUMBER OF DOORS AND WHERE USED.

Where standard fire walls or fireproof walls, ceilings and floors divide a single building into two (2) or more different classes of occupancy, or party walls are used between two (2) different buildings, all communicating openings in such walls shall be covered by double standard fire doors. Number.

Unless otherwise required under the various titles of part 2 the openings in these walls shall be provided with two sets of fire doors, using automatic standard fire doors, or standard rolling steel doors one side of the wall, and standard self-closing fire doors on the other side.

Where masonry or standard fireproof walls and fireproof ceilings and floors are called for under the various titles of part 2, and are used to subdivide a building of one kind of occupancy into smaller floor areas or are used for enclosing elevators, or stairways or heater rooms, such opening shall be covered by single standard fire doors, and unless otherwise called for under the various titles of part 2 these doors shall be standard self-closing fire doors.

Section 12600-80. SECTION 2. OPENINGS IN WALLS FOR STANDARD FIRE DOORS.

Openings shall be as few and be made as small as the nature of the occupancy will permit, but in no case shall

the gross area of a single opening exceed eighty (80) square feet.

Walls shall present a smooth masonry surface without any exposed or unprotected wood trimmings.

Section 12600-81. SECTION 3. DOOR SILLS FOR STANDARD FIRE DOORS.

All openings between buildings of fireproof and non-fireproof construction and in buildings of non-fireproof construction standard fire doors and standard rolling steel shutters or doors shall be provided with incombustible sills of either of the following styles, viz: A, B, C or D or E.

In buildings of fireproof construction, standard fire doors and standard rolling steel shutters or doors shall be provided with incombustible sills of style F.

Dimensions. "A" SILL. Shall be concrete not less than four (4) inches in thickness and placed between three and one-half by five by three-eighths ($3\frac{1}{2}$x5x$\frac{3}{8}$) inch angles on each side of the wall. Angles shall extend at least six (6) inches past the opening on each side. Long leg of angle shall rest against the face of the wall and short leg of angle shall be placed flush with the surface of the concrete sill and adjoining floor, and extend out under the bottom of the door. Angles shall be fastened together through the concrete sill by three-quarter ($\frac{3}{4}$) inch bolts placed close to each side of the wall opening, and not over eighteen (18) inches on centers between these points. Bolts shall have washers and nuts at each end.

Where sliding fire doors are used the upper surface of the angle shall be notched out at one end on each side of the wall or angles drilled and five-eighths ($\frac{5}{8}$) inch bolts installed so as to permit the proper installation of the stay roll for holding the door in position. This shall be done before angles are installed.

Where the wall is rabbeted for swinging fire doors and where doors are not placed over the edge of the sill, an iron plate of not less than three-eighths by five ($\frac{3}{8}$x5) inches may be used in place of the angle iron or the angle may be installed so that the short leg will extend into the wall.

"B" SILL. Shall be constructed the same as an "A" sill, except that the upper surface of the concrete sill shall be covered by a one-quarter ($\frac{1}{4}$) inch checkered steel plate extending out flush with the outer edges of the angles on each side of the wall, and held securely in position by three-eighths ($\frac{3}{8}$) inch counter sunk machine screws spaced not to exceed nine (9) inches on centers.

Dimensions. "C" SILL. Shall be of concrete not less than three and one-half ($3\frac{1}{2}$) inches in thickness and placed between a three and one-half by six by three-eighths ($3\frac{1}{2}$x6x$\frac{3}{8}$) inch angle iron on each side of the wall.

Angle shall extend at least six (6) inches past the opening on each side. The short leg of the angle shall be

parallel with and set out four (4) inches past the face of the wall, except on the side of the wall where no door is used the face of the angle may be flush with the wall.

The long leg of the angle shall extend into the wall. Angles shall be fastened together through the concrete sill the same as required for "A" sills.

Two course of brick work shall be corbeled out to support the angle irons, the upper course to be one and one-half (1½) inches back from the perpendicular face of the angle. Or instead of angle irons and brick corbeling, Z bars made of two four (4) inch angles three-eighths (⅜) inch thick, bolted together, or equivalent Z bars may be used, the same being fastened together by three-quarter (¾) inch wall bolts through both perpendicular faces, and the thickness of the concrete shall be increased to seven (7) inches.

Where sliding fire doors are used, the angles or Z bars shall be drilled and five-eighths (⅝) inch bolts installed so as to permit the proper installation of standard stay roll for holding the door in position. This shall be done before the steel work is placed in the sill.

Where the wall is rabbeted for a swinging fire door, an iron plate not less than three-eighths (⅜) inch thick and eight (8) inches wide may be used in place of the angle iron or Z bar on that side of the wall.

"D" SILLS. These shall be the same style as "C" sills, and shall be used where a great amount of heavy trucking is done, and when used the concrete shall be not less than six (6) inches thick, the iron shall be increased proportionately, and three course of brick shall be corbeled out to the outer edge of the sill.

"E" SILLS. Shall be of checkered steel plate not less than one-quarter (¼) inch in thickness, placed on concrete sub-sill not less than six (6) inches thick. Concrete support and steel plate shall be built into the wall at least six (6) inches on each side of the opening, and shall extend under and flush with the outer surface of the door. Three courses of the brick work under the sill shall be corbeled out flush with the outer surface of the sill under each door.

Where sliding fire doors are used, the steel plate shall be notched out at one end on each side of the walls so as to permit the proper installation of the stay roll for holding the door in position. This shall be done before the plate is installed.

NOTE: In lieu of a cement wearing surface to concrete sills either marble not less than one and one-eighth (1⅛) inch thick or ceramic tile may be used.

"F" SILLS. Style F door sills shall be used only in buildings of fireproof construction.

Openings shall be provided with incombustible thresholds made of either checkered steel plates not less than one-quarter (¼) inch thick, marble, not less than one and one-eighth (1⅛) inch thick, ceramic tile, or concrete not less

than three (3) inches thick; threshold shall extend at least six (6) inches past the opening on each side, and not less than two (2) inches beyond the face of the door on either side, and the entire area of the threshold shall be bedded in concrete carried down to the fireproof floor construction or to the wall below.

CONCRETE. Concrete for sills shall be made of one (1) part Portland cement, two and one-half (2½) parts clean, sharp sand, and four (4) parts clean broken stone which will pass through a one (1) inch mesh. Concrete shall be thoroughly mixed, well tempered, and where exposed to view shall be finished smooth and flush with the finished floor. Concrete shall be of a wet mixture.

Section 12600-82. SECTION 4. LINTELS OVER STANDARD FIRE DOORS.

Openings shall be covered by brick arches; reinforced concrete lintels with the metal parts covered at all points with not less than two (2) inches of concrete; or, by steel beams thoroughly covered by fireproof hollow tile with two sets of air spaces and with the tile covered with not less than one-half (½) inch coat of plaster.

Section 12600-83. SECTION 5. CONSTRUCTION OF STANDARD FIRE DOORS.

Materials. WOODWORK. Core shall be made of well seasoned white pine or similar non-resinous wood. Stock shall be of good, sound quality practically free from sap and large or loose knots. Boards shall be plain (not beaded), shall be tongued and grooved, dressed on both sides and not to exceed eight (8) inches in width. Finished thickness of boards shall be thirteen-sixteenths (13-16) inch full.

Doors shall be made of three thicknesses of the above stock, the outside layers to be vertical and the inner layers horizontal.

Layers shall be securely fastened together by wrought iron clinch nails driven in flush and clinched so as to leave smooth surfaces on both sides of the door.

Doors shall be nailed together by vertical and horizontal rows of nails spaced not over eight (8) inches apart in both directions, placing the outer row of nails near the edge of the door.

All edges and corners shall be smooth and square.

TIN COVERING. Doors shall be covered by prime terne plates of I. C. thickness and of fourteen (14) by twenty (20) inch size.

Weight. Finish plate shall weigh not less than one hundred and thirteen (113) pounds net per box of one hundred and twelve (112) sheets, including at least ten (10) pounds of coating. Black plate shall be of best quality basic open hearth soft steel or charcoal iron, weighing from one hundred and three (103) to one hundred and five (105) pounds per box of one hundred and twelve (112) sheets before coating.

Coating shall be an alloy of not less than twenty-five (25) per cent. of pure new tin, nor more than seventy-five (75) per cent. of pure new lead, applied by the pure palm oil process, no acid flux or flux of any kind other than palm oil shall be used. Plates shall be resquared. Coating.

All joints shall have a lock seam which when finished will give a lap of not less than one-half (½) inch, joints shall be nailed under the seams except at cross seams in marginal covering of door where no nails are necessary.

Nails shall be placed in center of vertical joints, and as close as possible to the standing plates in the horizontal joints, without breaking through the metal when the plates are turned down over the nail heads.

The four corners shall be covered first.

For each corner of a door a whole sheet of tin shall be used without cutting, making a miter fold instead of a miter joint or seam, driving two nails under each fold. Corners.

Then the edge shall be covered with sheets of the same size (or long strips if preferred) and be locked into corner pieces with a one-half (½) inch lock seam joint.

Then the sides sheets shall be applied, starting with the first sheet at the right hand lower corner. Then all horizontal seams except at the top of the door shall be made by a single lock seam of four thicknesses of tin, the nails being driven through three thicknesses, the fourth thickness being bent, and turned down to cover the nail heads.

All vertical joints and joints at the top of the door shall be made by a double lock seam of six (6) thicknesses of tin, as follows: First form a standing lock seam not less than one (1) inch high, then flatten down and nail through the four thicknesses, then bend back over and cover the nails and flatten to place leaving a lock seam not less than one-half (½) inch wide. Joints.

One side of the door shall be covered before beginning on the other.

Nails shall be number twelve and one-half (12½) or thirteen (13) gauge, flat head, full barbed wire nails, two (2) inches long. Nails.

Five nails shall be used on each side and four on each end of the sheet, nails being placed close to but not at the corners.

Care shall be taken to have sheets as flat against the door as possible in order to avoid air space.

When the covering is completed a round hole shall be cut through the middle plate on the exposed side of the door, but not through the wood core.

Hole shall be three (3) inches in diameter for doors under fifty (50) square feet in area and four (4) inches in diameter for doors in excess of fifty (50) square feet.

Tin shall be secured around this opening with small nails and the wood thus exposed shall be thoroughly painted.

Section 12600-84. SECTION 6. HARDWARE AND EQUIPMENT FOR STANDARD AUTOMATIC FIRE DOORS.

(Horizontal Pattern.)

A. SIZE AND SHAPE OF DOORS. Automatic doors shall overlap the sides and top of opening four (4) inches. Top of door shall conform to the incline of the rail, viz.: Three-quarters (¾) of an inch per foot.

B. TRACK. Shall be made of the best quality flat rolled steel three and one-half (3½) inches wide and three-eighths (⅜) inch thick, with rounded edges.

Dimensions. Length of track shall be equal to twice the width of the opening plus twenty-one (21) inches, twelve (12) inches of which shall be allowed for the lap and width of the door, eight (8) inches for attaching front and back bumpers and one (1) inch for clearance when the door is wide open.

Shall be so punched that a wall bolt will be located directly opposite each hanger when the door is closed and also for attaching front and back bumpers. Holes shall be thirteen-sixteenths (13-16) of an inch in diameter. Intermediate bolts shall be spaced not to exceed the distance between the door hangers.

Tracks shall have an incline of three-quarters (¾) of an inch per foot when mounted.

C. MOUNTING TRACK. The door shall be placed in proper position over opening with three-eighths (⅜) inch of blocking between sill and bottom, and one-quarter (¼) inch strip on upper edge of door. The track shall be placed in exact position over door and circles carefully marked on wall at holes for track bolts.

Holes shall be carefully drilled through the walls. Tracks shall be bolted in position first marked, placing a bracket at each bolt.

The front and back bumper shall also be installed when the track is bolted in position.

Door should be set so that side edges are plumb.

D. ATTACHING HANGERS. Hangers shall be placed on track directly opposite wall bolts, and location of bolt holder shall be carefully marked on the door. Hangers shall be bolted to door, using one-half (½) inch special countersunk carriage bolts and placing heads of bolts on the back of the door.

Remove blocking from under the door and from between the door and the track.

E. ATTACHING BINDERS. Two binders are required, the upper binder shall be placed about twenty-four (24) inches from the top of the door, and the lower binder about eighteen (18) inches above the sill. When the door is in contact with the front bumper, the binder shall be placed in contact with the edge of the door so that it will strike both binders and bumpers in closing.

Binders shall be made of three by one-quarter (3x¼) inch iron formed into the shape of a Z, with the wall leg not less than eight (8) inches long, the web of proper length to receive the door and the outer leg lapping the door not less than three (3) inches when closed. Dimensions.

F. STAY ROLLS. Stay rolls shall be provided which will hold the door close to but not tightly against the wall.

Stay roll shall be of cast iron not less than three (3) inches in diameter and shall be bolted to a wrought iron bracket or arm made of three by one-quarter (3x¼) inch wrought iron. Roll shall be placed not less than nine (9) inches above the floor line, and the bracket or arm shall be bolted to the metal parts of the door sill or be bolted to and through the wall by five-eighths (⅝) inch bolts.

G. CHAFING STRIPS. Each door shall be provided with two (2) three-quarter by one-quarter (¾x¼) half oval strips on the back of the door, and two (2) one by one-eighth (1x⅛) flat strips on the face of the door.

These strips shall be of iron or steel, four (4) inches less in length than the width of the door, and be bolted together through the door by one-quarter (¼) inch bolts with countersunk heads spaced nine (9) inches on centers and close to the ends.

The above strips shall be placed horizontally and shall divide the door into three (3) equal panels in height.

On the face of the door near the floor level shall be placed a one and one-half by one-eighth (1½x⅛) inch iron or steel strip to take the wear out of the stay roller. Length of these strips shall be five (5) inches less than the width of the door, and strips shall be bolted to the door by one-quarter (¼) inch bolts with countersunk heads spaced nine (9) inches on centers and close to the ends. Dimensions.

Ends of oval strips shall be chamfered so as not to catch on the brick work at the sides of the opening.

The above strips shall be placed parallel with the track above.

H. WEDGE. Shall be placed on the lower chafing strip back of the stay roll when the door is closed and fastened in place by screw one and one-quarter (1¼) and one two (2) inch screw. Wedge shall be five (5) inches long, one and one-half (1½) inch face, and taper from nothing to three-quarter (¾) inch in thickness.

I. BUMPER SHOES. Four bumper shoes shall be provided on each door, one opposite each bumper and one opposite each binder. These shall be made of one-quarter by three by nine (¼x3x9) inch iron or steel formed in the shape of a U and be secured to the door by four (4) one and one-quarter (1¼) inch screws. Dimensions.

J. HANGERS. Doors for openings six (6) feet wide and less shall have two (2) hangers and doors to openings more than six (6) feet wide shall have three (3) hangers.

Hangers shall be made of not less than one-quarter by four (¼x4) inch wrought iron, lapping over the door not

less than twelve (12) inches, and shall extend above the pulley and turn down over the pulley in the shape of an inverted U to give support for the wheel axle.

Wheel shall be not less than five (5) inches in diameter, have grooved face to fit over the track and be provided with a one-half (½) inch in diameter steel axle.

Each hanger shall be secured to the door by three (3) one-half (½) inch through bolts with washers on the back of the door.

K. HANDLES. Flush pulls shall be placed on the back of the door, countersunk flush with the surface of the door.

Heavy bow-shaped handles shall be attached to the front of the door.

Handles shall be bolted together through the door, or be secured by through bolts with washers. Bolts shall be one-quarter (¼) inch.

L. BOLTS AND WASHERS. Bolts for track, binders and stay roll shall be three-quarter (¾) inch in diameter, extend through the wall and be provided with washers four (4) inches in diameter placed on the opposite side of the door.

M. OPERATION OF DOOR.. The door shall hang and operate freely. If the wall is unusually rough and uneven the same shall be dressed off so as to remove all obstructions and prevent the destruction of the tin covering by chafing.

Doors shall be so hung as not to bind on the sill.

N. AUTOMATIC ATTACHMENTS. All sliding doors shall be counter-balanced by cords, pulleys and weights.

Cords and pulleys.

Cord shall be provided with a fusible link and be so run that the fusible link will be in front of and within six (6) inches of the top of the opening when the door is opened.

Fusible link shall fuse between one hundred and sixty (160) and one hundred and sixty-five (165) degrees Fahrenheit. Cord shall be hard plaited and not twisted. Pulleys shall be of wrought or cast iron and shall be bolted to and through the wall by one-half (½) inch bolts with three (3) inch washers on the back of the wall.

O. DOOR POCKETS. Where materials of any nature are liable to be placed close to a sliding door and the same are liable to interfere with the free operation of the door, substantial enclosing pockets or frame work shall be provided.

P. PROTECTION OF COVERING. When the front edge of a door is liable to injury from trucks, etc., the same shall be protected by a continuous U shaped strips of one-eighth (⅛) inch iron or steel extending high enough to prevent injury to the door.

Strips.

Strips shall lap the sides of the door six (6) inches, and shall be fastened on by one and one-quarter (1¼) inch screws spaced twelve (12) inches on centers and staggered.

Section 12600-85. SECTION 7. HARDWARE AND EQUIPMENT FOR STANDARD SELF-CLOSING FIRE DOORS.

A. DOOR FRAME. Swinging fire doors shall shut into a brick rabbet in the wall, rabbet to be at least four (4) by four (4) inches and to have true sides and angles so that the door will close snugly into the same, or, door shall shut into a three by three by one-quarter (3x3x1/4) inch angle iron rabbet set into and secured through the wall by one and one-quarter by one-quarter (1 1/4x1/4) inch iron bars spaced not over two (2) feet on centers, or door may be used without a frame providing the door laps the wall not less than four (4) inches at the top and sides of the opening. Dimensions.

B. WALL EYES. Wall eyes to support hinges shall be made of wrought iron for three-quarter (3/4) inch pin, built in wall; or, bolted through the wall with three-quarter (3/4) inch bolts, with three-sixteenths (3-16) inch iron washer on each side of the wall. Bolts shall not be placed closer to the opening than four (4) inches.

C. HINGES. Hinges shall be of wrought iron or steel two and one-half by three-eighths (2 1/2x3/8) inches, shall extend three-quarters (3/4) of the way across the door and be bolted to the door by four (4) three-eighths (3/8) inch bolts.

Doors more than seven (7) feet high or more than six (6) feet wide shall be provided with three hinges.

D. LATCHES. Doors shall be secured by at least three (3) latches made of one and one-half by three-eighths (1 1/2x3/8) inch iron, working together. The upper and lower latches shall be placed not more than twelve (12) inches from the top and bottom of the door.

Latches shall be operated from either side of the door, swing freely on three-eighths (3/8) inch bolts through the door, and be provided with the proper keepers bolted through the door and with a spring to insure latching.

E. CATCH. Catches shall be made of heavy wrought iron built in the wall and bolted through or bolted to the iron frame, and so designed as to permit the latches to freely enter.

F. ATTACHING HARDWARE. Hinges, latches and keepers shall be secured to the door by machine or carriage bolts passing through the door. Heads of bolts shall rest against washers placed next to the tin, the nuts being placed against the steel members.

G. SELF CLOSING DOORS. Where self closing doors are required the same shall be provided with pulleys, cords and weights of proper size to close and latch the door to place.

Pulleys shall be of cast iron and be bolted to and through the walls by one-half (1/2) inch bolts.

Cord shall be of metal and be fastened to the door by eye bolts.

Section 12600-86. SECTION 8. HARDWARE AND EQUIPMENT FOR STANDARD HINGED FIRE DOORS USED IN PAIRS OR DOUBLE.

Construction. Doors shall be constructed, covered and equipped the same as previously prescribed for standard self-closing fire door with the following exceptions, viz:

The contiguous edges shall be slightly beveled to allow doors to be readily opened and closed.

One door shall be bolted at the top and bottom by seven-eighths (7/8) inch steel double extension bolts held securely in place by three-eighths (3/8) inch bolts through the door. Both door bolts shall enter substantial metal strikers securely fastened into the arch and sill. Bolts shall be operated by a knob, lever, push bar, push plate, push handle or other device whereby the simple act of turning a knob or lever or pushing against a bar, plate or handle will release the top and bottom bolts at the same time. No independent top and bottom bolts shall be used on these doors.

Latches. Doors shall be secured by three latches of two by three-eighths (2x3/8) inch steel, working together. Upper and lower latches shall be placed not more than twelve (12) inches from the top and bottom of the door. Latches shall enter catches made of two by three-eighths (2x3/8) inch steel. Each catch shall be flared slightly to permit free entrance of bar and to be fastened by two three-eighths (3/8) inch bolts through the door.

The joint or opening between the edges of the door shall be covered by a strip of three by one-eighth (3x1/8) inch metal bolted to and through one door by one-quarter (1/4) inch bolts spaced not over eight (8) inches on centers.

Double or pairs of doors of this style or design shall not be used where self closing doors are required, but in place of the same, a sufficient number of single doors with masonry piers between shall be used.

Section 12600-87. SECTION 9. STANDARD FIRE DOORS FOR ELEVATORS.

Doors to passenger elevators shall be constructed and equipped the same as previously prescribed for standard automatic fire doors, except; the track may be placed level; no automatic attachment will be necessary, the door shall be provided with a heavy wrought iron weighted or spring latch bolted to and through the door by one-quarter (1/4) inch bolts, and catch shall be made of heavy wrought iron and be bolted to or through the wall by one-quarter (1/4) inch bolts.

Openings to freight elevators shall be covered by standard automatic fire doors and where impossible to use such doors, standard automatic rolling steel doors shall be provided.

Section 12600-88. SECTION 10. STANDARD AUTOMATIC FIRE DOORS.

(Vertical Pattern.)

Where it is impossible to install hinged, self closing or automatic (horizontal pattern) standard fire doors, and when the openings covered by such doors are not used as a means of egress, automatic vertical doors may be used.

The construction of the door proper shall be the same as other standard fire doors.

Tracks and construction.

Door shall overlap the sides and top of the opening four (4) inches and slide vertically in steel tracks of a length equal to double the height of the door. Tracks shall be made of three and one-half by one-quarter ($3\frac{1}{2}$x$\frac{1}{4}$) inch Z bars and a five by one-half (5x$\frac{1}{2}$) inch plate, the plate being placed flat against the wall and the Z bar placed on top of the same forming a track between the plate and the outer flange of the Z bar.

Track shall be bolted to and through the wall by three-quarter ($\frac{3}{4}$) inch bolts extending through the wall and be provided with washers four (4) inches in diameter on the opposite side of the wall. Bolts shall be placed within six (6) inches of the top and bottom of the track and between these points be spaced not more than two (2) feet on centers.

The edges of the door working in the tracks, shall be covered with U shaped iron or steel plate extending the full height of the door on both edges. Strip shall be made of one-eighth ($\frac{1}{8}$) inch, metal lapping the door on both sides not less than three (3) inches and held to place by one and one-quarter ($1\frac{1}{4}$) inch countersunk screws spaced not more than six (6) inches on centers.

At the top and center of the door there shall be placed a wrought iron plate, three by nine by one-quarter (3x9x$\frac{1}{4}$) inches for securing the cable.

This shall be provided with an opening near the top one (1) inch in diameter, and plate shall be bolted to and through the door by three (3) one-half ($\frac{1}{2}$) inch bolts with two (2) inch washers.

The cord shall connect with an eye bolt placed close to the bottom and at the center of the door.

A cord shall connect with a fusible link placed at the bottom of the door, pass to the left over two (2) pulleys placed near the ceiling and support the smaller weight. Cord shall be provided with a fusible link at the bottom of the door and also one near the ceiling when the door is open. The heavier weight shall be permanently connected by a wire (plaited) cable to the plate at the top of the door, pass to the right over two pulleys, and be so adjusted as to prevent the sudden dropping of the door, but allowing it to close when the link fuses. Link shall fuse between one hundred and sixty (160) and one hundred and sixty-five (165) degrees, Fahr.

Section 12600-89.

SECTION 11. PAINTING.

Standard fire doors shall not be painted unless it is necessary and not until they have first been given a coat of mineral brown, venetian red or red oxide paint ground in pure linseed oil.

Section 12600-90.

SECTION 12. CARE AND MAINTENANCE.

Fire doors shall be ready for instant use at all times, and the surroundings be kept clear of everything that would be likely to obstruct or interfere with their operation.

Fire doors shall be kept closed at night, on Sundays and holidays, and whenever the openings are not in use.

No tin shall be tacked on standard fire doors, and when tin becomes worn new sheets shall be substituted and such sheets applied the same as when covering a new door.

The following notice shall be posted on each opening protected by the above mentioned standard fire doors (except self closing doors) "KEEP THIS FIRE DOOR SHUT".

Section 12600-91.

SECTION 13. SPECIAL STANDARD FIRE DOORS.

In the finished parts of the building where standard fire doors are required; and where such doors are used to enclose elevators and stairways, or to subdivide a building of one kind of occupancy into smaller floor area; special standard fire doors constructed and equipped as follows may be used in place of standard fire doors previously prescribed.

In the finished parts of buildings where double fire doors are required or where doors are placed on both sides of the walls, a standard automatic fire door or a standard rolling steel shutter shall be used on one side of the wall, and a special standard fire door may be used on the other side in place of standard fire doors previously prescribed.

Dimensions.

A. SIZE OF DOOR. No single door shall be used in openings more than four (4) feet wide and no pair of double doors shall be used in openings more than six (6) feet wide. No door shall be more than eight (8) feet high.

If doors are not hung to frames, the door shall lap the opening at the top and sides not less than four (4) inches.

Door frames shall have rabbets not less than one-half (½) inch deep by the thickness of the door.

B. SILLS AND LINTELS. Sills under lintels over doors shall be the same as previously required for standard fire doors.

C. THICKNESS OF DOORS. Where two sets of doors are used at the same opening and on opposite sides of the

wall, a standard automatic fire door or a standard rolling steel shutter shall be placed on one side of the wall, and a special standard fire door may be placed on the other side instead of the standard fire doors previously prescribed. Special standard fire doors so used shall be not less than two and one-half (2½) inches thick through, the stiles and rails, and not less than one (1) inch thick at the panels or thinnest part of the door.

Special standard fire doors used to enclose elevators and stairways, or to subdivide a building of one kind of occupancy into smaller floor areas, shall be not less than one and five-eighths (1⅝) inches thick through the stiles and rails, and not less than five-sixteenths (5-16) inches thick at the panels or thinnest part of the door.

D. Wood Core. If a wood core is used the kind and quality of the lumber shall be the same as prescribed for standard fire doors.

E. Metal Covering. Doors shall be completely covered including the edges with sheet iron or steel of not thinner than number twenty (20) U. S. gauge.

Sheets forming stiles or rails shall be made in one length.

Doors shall be assembled by using lock seams, by welding the seams or joints or by through bolts; and all joints and connections shall be made absolutely air tight without the use of solder.

No nails shall be used in assembling these doors, and screws may be used only when the heads of the same are not exposed to view, or are not liable to be drawn or loosened in case of direct fire.

F. Door Stiffening. Core of doors may be made of wood, with stiles, rails and panels of wood filling out tightly to the asbestos lining; or the doors shall be made hollow and be reinforced with metal strips, angles or channels, so placed and secured as to make the door absolutely stiff and rigid.

G. Asbestos Lining. The steel or iron covering forming panels, rails, stiles and edges of doors shall be lined with asbestos paper or asbestos board.

H. Wire Glass. Wire glass may be used in doors to stairways and elevator enclosures providing the area of the glass shall not exceed seven hundred and twenty (720) square inches.

Glass to same shall be the same as prescribed for standard fire windows.

I. Door Frame. Door frames shall be made of iron or steel. If the frame is reinforced by wood, the metal shall be not thinner than number twenty (20) U. S. gauge; and, if not reinforced with wood, the metal shall be not thinner than number eighteen (18) U. S. gauge.

Wood frames shall be covered on all four faces with iron or steel as above mentioned, put on with a lock seam.

Frame shall be doweled to the fireproof partition by

a one-eighth by three (⅛x3) inch strip of metal, placed on the back of the frame and bolted to or locked into the metal frame covering. Frames not reinforced by wood, shall be provided with flanges that will dowel into the fireproof partition not less than two (2) inches or be bolted to and through the partition by one-half (½) inch bolts spaced not more than two (2) feet on centers.

Frames not reinforced with wood shall be filled with brick or Portland cement concrete.

Hinges, locks, latches.

J. HARDWARE. No hinged or swinging door shall have less than three butts or hinges.

All hardware except escutcheons and kick plates shall be secured by bolts.

Where hardware is secured directly to the iron or steel plates, reinforcing plates of metal or steel shall be used.

All doors shall be provided with locks or latches.

Self-closing doors shall be provided with checks and springs or metal chains and weights, of sufficient strength or weight to close and latch the door to place.

TITLE 4.

STANDARD SHAFT AND BELT OPENINGS.

Section 12600-92.

SECTION 1. STANDARD SHAFT OPENINGS.

Where shafts pass through fire walls, through walls used as a fire stop, or through walls mentioned under the various titles of part 2, as "fireproof walls," a hanger shall be placed on one side of the wall and the opening around the shaft bricked up as closely as possible without touching the shaft. The remaining space around the shaft shall be made practically tight by cement and the shaft turned before the cement has fully set.

Section 12600-93.

SECTION 2. STANDARD BELT OPENINGS.

Where belts pass through standard fire walls, through walls used as fire stops, or through walls, ceilings or floors mentioned under the various titles of part 2 as "fireproof walls, ceilings and floors," the openings shall be covered by double standard fire doors.

Dimensions.

Doors shall be made of two (2) thicknesses of thirteen-sixteenths (13-16) inch boards, otherwise to be constructed as prescribed for standard fire doors.

Doors shall be provided with two (2) suitable hooks to hold the same closed.

Doors shall slide in an upper and lower guard rail made of Z bars of one-quarter (¼) inch metal and of proper size to receive the doors. Rails shall be bolted to and through the wall by three-quarter (¾) inch bolts, spaced not more than two (2) feet on centers and close to the end of the rail, and fasten to four (4) washers placed on the other side of the wall.

Rails shall be of proper length to retain the door when open.

By double doors is meant two doors sliding in the same rails and coming together at the center of the opening.

The above doors shall be slotted to receive the belting.

Where impossible to install double doors as above mentioned, metal hoods may be used. Hoods shall be of such a design, shape and size as to cover and enclose the pulley and shaft, and leave no open space for the communication of fire. Hoods shall be made of not less than number twenty (20) B. & S. gauge galvanized iron, put together with rivets (without the use of solder) and be flanged at the wall, floor or ceiling two (2) inches and be riveted to a two by two by one-quarter (2x2x1/4) inch angle iron frame. Angle iron frame shall be bolted to and through the wall, floor or ceiling by one-half (1/2) inch bolts spaced not more than one (1) foot on centers, and fastened to three (3) inch washers on the other side of the wall, floor or ceiling. Hoods.

TITLE 5.

STANDARD ROLLING STEEL DOORS AND SHUTTERS.

Section 12600-94. SECTION 1. OPENING IN WALL.

The opening shall be constructed the same as previously mentioned for standard fire doors, except sills used under windows.

Window sills shall be made of not less than the following, viz.: five by eight (5x8) inch stone, five by eight (5x8) inch concrete, three by eight (3x8) inch terra cotta, one-half by eight (1/2x8) inch cast iron or one-quarter by eight (1/4x8) inch steel plate riveted to a two by two by one-quarter (2x2x1/4) inch angle placed on the face of the wall forming an apron. These sills shall extend into the masonry not less than four (4) inches on both sides of the opening, project at least two (2) inches beyond the face of the wall and extend not less than one (1) inch under the window frame. Dimensions.

Section 12600-95. SECTION 2. DOOR OR SHUTTER.

Door or shutter shall be made of galvanized steel of not less than number twenty-four (24) U. S. gauge.

The door or shutter shall be so retained in the grooves that the opening to be protected will be completely covered, and the coil shall be placed well above the opening.

Door or shutter shall be provided with wearing strips at the edges, and extend into the grooves at the sides at least one and one-half (1 1/2) inches.

Where the door or shutter is wide it shall lap the grooves in excess of this.

The upper edge shall be reinforced by one or two one by one-eighth (1x⅛) inch strips securely riveted on each side.

Curtain shall be securely fastened to the spring barrels or rollers by machine screws or bolts.

Reinforcement.

Bottom of door or shutter shall be reinforced not less than a one and one-quarter by one and one-quarter by one-quarter (1¼x1¼x¼) inch angle iron securely riveted on. One web of the angle shall extend into the groove at each side. Doors and shutters more than five (5) feet wide shall have placed at the bottom of the same and in addition to the angle iron, a metal strip not less than three by one-eighth (3x⅛) inch.

Door or shutter shall be equipped with a spring balance or be so designed that it will uncoil of its own weight when subjected to heat. Door or shutter shall be provided with a device which will support the door or shutter in a closed position independent of the spring balance, and be provided with fusible links or other device which will fuse the link or operate the other device at a temperature of from one hundred and sixty (160) to one hundred and sixty-five (165) degrees Fahrenheit.

Section 12600-96.

SECTION 3. BRACKETS.

Brackets shall be of wrought iron or steel securely bolted to the wall.

Section 12600-97.

SECTION 4. LUGS.

Lugs supporting the shafting shall be of steel and be securely bolted or riveted to the brackets.

Lugs shall present a broad bearing for the shaft or bearing pins with ample allowance for a reasonable amount of expansion in or sagging of the shaft.

Section 12600-98.

SECTION 5. SHAFT OR ROLLER.

Shaft or roller shall be of steel of sufficient strength when heated to carry the weight of the curtain without excessive sagging.

Shaft or bearing pins shall be of steel retained in the rollers and brackets in a substantial and secure manner. Spring barrels may be of cast iron.

Section 12600-99.

SECTION 6. GROOVES.

Grooves shall be made of steel of not less than three-sixteenths (3-16) inch in thickness, and in one U shaped piece. Grooves shall be securely riveted or bolted to a suitable angle iron for attaching to the wall. Where grooves for large openings are spliced the joint shall be

covered by a steel splice plate, formed into a U shape, be placed on the outside of the track and be riveted to the ends of the tracks assembled.

Grooves shall be securely but loosely bolted to the masonry by through bolts, or expansion bolts carefully installed, or to structural iron at the wall opening. Wall bolts shall be spaced not more than eighteen (18) inches on centers. The grooves shall also be securely bolted to the brackets unless the upper wall bolts are close to them.

Where possible the grooves shall be so installed that they will be protected by the brick work or other fireproof material. The holes in the wall angles shall be not less than twice the diameter of the wall bolts and be covered by washers under the heads of the bolts.

Grooves shall be at least one-half (½) inch deeper than the amount the curtain enters the groove so as to allow for expansion.

Section 12600-100. SECTION 7. HOOD.

Hood shall be made of not less than number twenty-four (24) U. S. gauge galvanized iron, and be so constructed that it cannot be easily bent or damaged to such extent that it will interfere with the operations of the curtain. Material.

Hood shall be securely fastened to the wall at the top and to the brackets at each end.

If hoods are placed on the outside of the building, the same shall have a weather proof joint at the wall.

The curtain shall be fitted as closely as possible on the under side, viz: at the wall.

Section 12600-101. SECTION 8. PAINTING.

All parts shall be kept thoroughly painted with the best mineral paint or with graphite paint thinned with linseed oil.

Section 12600-102. SECTION 9. LUBRICATING.

All grooves and movable bearings shall be kept well greased at all times.

TITLE 6.

STANDARD FIREPROOF WINDOWS.

Section 12600-103. SECTION 1. WIRE GLASS.

All sash and frames shall be filled with wire glass not less than one-quarter (¼) inch in thickness at the thinnest point.

Glass shall be reinforced with a wire mesh placed midway between the two surfaces of the glass. Wire shall be not less than number twenty-four (24) B. & S. gauge and be formed into a mesh not larger than seven-eighths (7/8) inch square.

Selvage shall be removed before glazing.

Section 12600-104. SECTION 2. STANDARD FIREPROOF WINDOWS.

(With hollow metallic frames.)

Dimensions. A. SIZE OF OPENING. No metal frame containing the sash or glass shall exceed five by nine (5x9) feet between supports. (For larger openings see mullioned windows.)

B. SIZE OF GLASS. No light of glass shall contain more than seven hundred and twenty (720) square inches nor be more than forty-eight (48) inches long.

The glass shall be of such dimensions, after selvage is removed, that the bearing in the groove or rabbet will not exceed one-eighth (1/8) inch less than the full depth called for under grooves and rabbets.

The glass shall be retained by the structural parts of the frame or sash independently of the material which may be used for weather proofing purposes. Only non-inflammable materials shall be used in setting glass in the sash.

C. SETTING. Frames shall be provided with extending wings or flanges, of not less than one (1) inch in width, placed on the sides of the frames so as to hold them securely in the wall; or the frames shall be of such a form as to be securely retained in the wall without any additional fastenings.

The brick work or other fireproof material shall be built up tightly around the frame so as to make as tight a joint as possible.

D. MATERIAL. The material for the sash and frame shall be not less than number twenty-four (24) B. & S. gauge galvanized iron, and of a quality soft enough to permit all necessary bending without breakage.

The galvanized iron shall not flake or break badly in bending.

The several parts of the sash and frame shall be constructed in one piece where practicable, and be so formed as to afford ample weather proof qualities.

Sash and frames may be made of not less than twenty (20) ounce copper in localities subject to unusual corrosive atmospheric influences and where galvanized iron will rust rapidly, providing the exposure is not extreme.

Copper sash and frames shall not be used in elevator shafts, interior partitions or where liable to be subject to intense internal fires.

E. JOINTS. Joint shall be made with interlocking seams or riveted so as to be in all particulars substantial

and durable, and so as to afford ample fire resisting qualities. Where possible joints shall be formed so that the edge will be towards the heat exposure.

Solder may be used only for the purpose of filling the joints, protecting the iron from rust and for finishing, but shall not be used in fastening essential parts.

F. GROOVES AND RABBETS. Grooves and rabbets shall be not less than three-quarters (¾) of an inch in depth, and so that the actual bearing of the glass will be not less than five-eighths (⅝) of an inch at all points.

Grooves shall be so constructed that they will not spread apart and release the glass when subjected to heat and the force of an ordinary fire stream from either side of the window.

G. REGLAZING. The sash of frame shall be so constructed that the window can be reglazed without reconstructing the sash or frame.

H. AIR SPACE IN FRAME. Free communications shall be provided between the air space in the various parts of the frame.

Manner of construction.

I. HEAD AND SILL FRAME. Head and sill shall be made in one piece where practicable and be securely riveted or fastened to the jambs by double seaming or by some other method affording suitable fire resisting and weather proof qualities.

The head shall be closed at the top and the piece forming this closure shall be securely fastened to each side at all points.

The sill shall be filled with concrete or other non-inflammable material thoroughly reinforcing the same in a substantial manner.

Such reinforcement shall not interfere with the operation of the window nor detract from its fire resisting qualities.

J. MUNTINS. Muntins shall be wide enough to provide for the grooves or rabbets previously described, and permit of the installation of the proper glass sizes.

Muntins shall be so designed and constructed that they will not warp or bulge materially under heat or rapid cooling, and where necessary the same shall be reinforced by structural iron or steel placed inside the muntins.

Muntins shall be securely fastened to the sash or frame, and cross muntins shall be securely fastened to the vertical muntins.

K. SASH. Stiles and rails of sash shall have a thickness and width of not less than one and three-quarters (1¾) inches and be securely fastened together at each corner.

These dimensions may be reduced to one and one-half (1½) inches where these members are reinforced by structural iron or steel.

Stiles and rails shall be so designed and constructed as to provide the necessary rigidity and so that they will

not warp materially under heat, or when subject to rapid cooling by the application of water.

Grooves and rabbets shall be constructed as previously mentioned:

Sash shall be made so as to correspond with the frame at the points of contact or fit into the frame with suitable stops and parting beads of metal.

Wearing surfaces shall be as few as is consistent with strength and fire resisting qualities and be reinforced where practicable.

Sash shall afford ample weather proof qualities, and flat surfaces that retain water shall be avoided.

L. LIFTING OR SLIDING SASH. Lifting or sliding sash shall be counter weighted so as to balance:

The sash weights shall be properly separated by parting strips in the boxes containing them, and be accessible through the jambs of the frame.

Weights. Sash shall be provided with metal sash cord and smooth running sash pulleys securely riveted or bolted in place. The sash cord shall be of sufficient strength to withstand severe heat without parting and be thoroughly protected against moisture and corrosion.

Sash shall be fitted into the frame with suitable stops and parting beads of metal. Sash shall be removable.

The meeting rails of the sash shall be so constructed as to prevent the passage of heat and flame. Each opening shall be equipped with one or more iron sash locks securely riveted or bolted in place at the factory.

M. HORIZONTAL PIVOTED SASH. Sash shall be pivoted above the center on steel pivots at least three-eighths (3/8) inch in diameter. Pivots shall work in brass eye plates securely riveted to place. Frames shall be reinforced where the pivots enter, by riveting on one-eighth (1/8) inch iron strips so drilled as to receive the pivots.

Sash shall be provided with suitable stops and an effective attachment for holding each open or closed.

Attachments.

Sash shall be provided with a substantial gravity lock or latch, at top and bottom, which will be positive in action.

Where the lower sash is stationary, or where two pivoted sash are used the transom bar or meeting rails dividing the upper and lower sash shall be so constructed that it will not warp or bulge materially under heat, or rapid cooling.

Meeting rails or transom bars, shall be made so as to be easily affected by rust, and so as to afford ample weather proof qualities.

N. VERTICAL PIVOTED SASH. Sash pivoted vertically shall comply with all the requirements for horizontal pivoted sash.

If the entire window is pivoted in one sash, the same shall be so constructed as to afford stiffness and in such a manner as to prevent warping under heat.

O. HINGED SASH OR CASEMENT WINDOWS. Hinged sash or casement windows shall be provided with heavy brass hinges and a substantial brass lock securely bolted or riveted to place.

Sash shall be so constructed as to fit the frame closely and afford ample weather proof qualities at all points.

Sash shall be provided with all stops and fastenings necessary to prevent warping under heat.

P. DOUBLE GLAZED SASH. Double glazed sash shall be constructed essentially with the requirements for single glazed sash, and be used when the contents of the building are inflammable and the exposure severe. The application of the rule to be at the discretion of the chief inspector of workshops, factories and public buildings, or the building inspector or commissioner in cities having building inspection departments.

The air space between the two thicknesses of glass shall be not less than one (1) inch and be provided with suitable ventilation at the top and bottom.

Where two or more sash are used, one above the other, the air space between the sheets of glass shall be arranged to be connected when the window is closed.

In case of severe exposure from the outside, no inflammable material shall be placed nearer any double glazed window than three (3) feet, nor nearer any single glazed window than four (4) feet. To avoid any possibility of storing inflammable materials closer to the windows than the above dimensions, gas pipe guard rails shall be used.

Q. MULLIONED WINDOWS. Where openings are in excess of five by nine (5x9) feet, the metal frame containing the sash or glass shall be reinforced at every point of division by I beams thoroughly protected by fireproofing.

Construction.

I beams shall be securely fastened into the masonry walls or be bolted to the structural frame of the building with proper allowance for the expansion of the beams when heated.

The depth of the I beams shall be not less than five (5) inches and shall be increased where the length of beam exceeds nine (9) feet.

The beams shall be covered with not less than two (2) inches of tile, concrete or other fireproof material on the flanges and not less than two and one-half (2½) inches next to the web.

The metal frame shall be securely attached to the reinforced members.

R. AUTOMATIC ATTACHMENT. All lifting, pivoted, hinged, casement or movable sash shall be so arranged as to automatically close and lock under fire by the fusing of a link or other means to accomplish the same results.

Fusible device.

The fusible device shall be placed on the outside of the window when it is open and placed in a position to receive the direct heat from exposing fires. The attachments

for opening or holding the sash open shall not interfere with the action of the automatic device or prevent the sash from closing.

The above fusible links or automatic device shall operate under a temperature of from one hundred and sixty (160) to one hundred and sixty-five (165) degrees Fahr.

S. PAINTING. Frames and sash shall be thoroughly painted inside and out to prevent rusting.

Section 12600-105. SECTION 3. STANDARD FIREPROOF WINDOWS.

(With Wrought Iron Frames.)

A. SIZE OF GLASS. The unsupported surface of glass shall not exceed forty-eight (48) inches in either dimension nor seven hundred and twenty (720) square inches.

Dimensions. The glass shall be of such dimensions after selvage is removed, that the bearing in the groove or rabbet will not exceed one-eighth (1/8) inch less than the full depth called for, for grooves and rabbets (See section 2, Grooves and Rabbets.)

The glass shall be retained by the structural part of the frame or sash independently of the material which may be used for weather proof purposes.

Only non-inflammable material shall be used in setting glass in the sash.

Material and dimensions. B. FRAMES. Frames shall be made of three and one-half by three-eighths ($3\frac{1}{2}x\frac{3}{8}$) inch flat iron welded so as to be continuous or fasten at the corner with suitable angles securely riveted on the outside of the frame.

Frames shall be set next to the masonry and be anchored to the wall by two by one-half ($2x\frac{1}{2}$) inch anchor irons securely riveted to the frame and bent so as to enter the wall.

C. SASH. Sash shall be made of one and one-half by one and one-half by one-quarter ($1\frac{1}{2}x1\frac{1}{2}x\frac{1}{4}$) inch angle iron.

The rails and stiles shall be welded together at the corners so as to be continuous.

D. MUNTINS. Muntins shall be made of one and three-quarters by one and one-half by one-quarter ($1\frac{3}{4}x1\frac{1}{2}x\frac{1}{4}$) inch iron welded to each other at each intersection, and also to the stiles and rails so as to form the proper rabbets for the glass.

E. INSIDE ANGLES. Inside angles holding the glass in the frame shall be of one by one by one-eighth ($1x1x\frac{1}{8}$) inch angle iron fastened with bolts so that they can be removed for reglazing.

F. FASTENINGS. Sash shall be provided with suitable attachments for holding it open or closed.

G. STOPS. Stops shall be made of one by one by one-eighth ($1x1x\frac{1}{8}$) inch angle iron riveted on each side of the frame.

H. PIVOTS. Pivots shall be one-half (½) inch if at top and bottom and three-quarter (¾) inch if at sides. Pivots shall be securely fastened to three-eighths (⅜) inch plates riveted to the sash. Fittings.

The holes in the frame for the pivots shall be of easy fit. Thin bearing strips shall be placed on the frame at the pivots so as to allow clearance and the free movement of the sash.

I. STATIONARY WINDOWS. Where permanent windows are desired the frame may be dispensed with, and the sash installed in the opening next to the masonry or fireproof walls and the sash shall securely anchor to the wall.

J. AUTOMATIC ATTACHMENT. All movable sash shall be provided with an automatic attachment which will close and securely lock the sash in case of fire. (See section 2, Automatic Attachment.)

K. DIMENSIONS OF IRON. The foregoing dimensions of iron represent the minimum requirements and are allowable for glass one-quarter (¼) inch thick. If thicker glass is used the dimensions of the iron shall be uniformly increased.

L. PAINTING. All iron work shall be thoroughly painted with two coats of iron oxide and boiled oil.

Section 12600-106. SECTION 4. STANDARD FIREPROOF WINDOWS. (For prism glass.)

A. FRAMING. Window frame and sash containing prism glass frame shall fulfill all the requirements for standard fireproof windows with hollow metallic or wrought iron frames for wired glass.

B. SIZE. The dimensions of the unsupported electro-glazed panel shall not exceed fifty (50) inches in either direction. Dimensions.

C. BORDERS. The metal border at the edges of the electro-glazed panel shall be of rolled copper or brass tubing at least one-half (½) inch wide by three-eighths (⅜) inch in thickness.

The corners shall be securely fastened together by substantial knees of the same metal inserted in the tubing.

D. GLASS. Polished plate or prism glass units not exceeding four (4) inches in either direction and of not less than three-sixteenths (3-16) inch in thickness may be used.

E. RIBBONS. The ribbons or metal muntins between the glass units shall be of unbroken strips of rolled copper one-eighth (⅛) inch in thickness and nine thirty-seconds (9-32) of an inch in width, interlocked at each intersection. All ends shall pass entirely through the borders and be clinched on the outer edge.

F. ELECTROLYTIC DEPOSIT. All joints at the corner

of the border, at the fastenings of the ribbons to the border and at the intersections of the ribbons shall be securely fixed by a sufficient electrolytic deposit of copper to form a rigid framing and to retain the units of glass securely in place.

G. GLAZING. The border shall be retained in a rabbet or groove in the sash at least one-half (½) inch in depth. In windows having width of over twenty-four (24) inches the border shall be bolted to the upper rail of the sash.

TITLE 7.

STANDARD FIRE LADDERS AND FIRE ESCAPES.

Section 12600-107. SECTION 1. GENERAL NOTES.

Below and under their respective headings will be found the specifications for the different kinds of fire ladders and fire escapes to be placed on, or used in connection with the various kinds of buildings.

For the style of ladder or escape to be used see means of egress under the various titles of part 2.

Inclosed fireproof stairways may be used in place of fire escapes. (See section 1, title 9.)

Specifications. These specifications together with the detail (typical) working drawings prepared by the chief inspector of workshops, factories and public buildings shall be followed in every particular; except, in special cases where changes may be necessary in order to meet different or exceptional conditions, and then changes may be made only when the detail drawings and specifications for the proposed ladders or escapes have been approved in writing by the chief inspector of the workshops, factories and public buildings or building inspector or commissioner in cities having building inspection departments.

Section 12600-108. SECTION 2. LADDERS AND ESCAPES FOR FRAME BUILDINGS.

"B" standard fire escapes shall not be supported by or be placed on the walls of a building of frame construction.

Number one and two ladders and A, C and D escapes may be placed on or be used in connection with buildings of either frame or masonry construction.

Section 12600-109. SECTION 3. LOCATION.

Fire ladders and fire escapes shall be so located as to lead directly to streets or alleys, or to grade line courts or areas leading directly to public highways; and, in no case shall a fire escape be placed in an inner court.

Section 12600-110. SECTION 4. ENCROACHMENTS.

For buildings hereinafter erected no fire ladder or fire escape shall be placed on or above any public street, alley

or thoroughfare, nor in any way extend beyond the lot line of the property on, or for which the same is erected.

Where necessary the walls of the building shall be set back from the lot line, or recesses provided of ample width or size to receive such ladders and escapes.

Section 12600-111. SECTION 5. FIRE SHIELDS.

Where "B" standard fire escapes pass over other openings there shall be a fire shield made of one-quarter (¼) inch steel plate suspended over the opening and immediately below the fire escape.

This shall extend one (1) foot beyond the jambs of the lower opening on each side, and from the wall to a point one (1) foot beyond the outside stringer of the escape.

This hood shall be in the form of a segment with not less than a six (6) inch rise, and the spring lines of the segment shall be placed at right angles to the walls of the building.

Section 12600-112. SECTION 6. OPENINGS LEADING TO FIRE ESCAPES AND LADDERS.

Unless otherwise provided for under the various titles of part 2, under the sections referring to means of egress, windows may be used as a means of egress to standard fire ladders and to "A" standard fire escapes, and doors shall be used as a means of egress to B, C and D standard fire escapes.

Construction of openings to fire escapes.

Door and window sills leading to fire escapes shall be placed not more than seven (7) inches above the landing, balcony or bridge.

No grilles, bars or other obstructions shall be placed over any window or door leading to a fire escape or fire ladder.

Exit windows shall have the lower sash hinged to swing out or hung to raise; sash shall be not less than two (2) feet six (6) inches wide, not less than three (3) feet high and not more than two (2) feet above the floor line. Hinged sash shall be provided with a one knob latch or lever bolt and sliding sash with two bar sash lifts and a sash lock. Exit doors shall be not less than three (3) feet wide nor less than six feet four inches (6′ 4″) high unless otherwise prescribed, level with the floor of the building, swing outward, and be so hung as not to interfere with the use of, or obstruct the fire escapes.

Doors shall be equipped with one knob latches or other locking device as provided for under the various titles of part 2 referring to exit door hardware.

Section 12600-113. SECTION 7. FIRE ESCAPES FOR HOSPITALS.

Fire escapes used in connection with hospitals shall be provided with landings or balconies of such dimensions

as to permit of the easy handling of a cot at the various turns or landings.

Section 12600-114. SECTION 8. INCUMBRANCES.

All fire escapes shall be kept free from incumbrances or obstructions at all times, and all courts and passage ways leading from fire escapes or fire ladders to public highways shall not be used for storage or any other purpose whatsoever except means of egress.

Section 12600-115. SECTION 9. MAINTENANCE.

The owner of the building shall keep all ladders and escapes in good repair, free from scales, and properly painted.

Section 12600-116. SECTION 10. NO. 1 STANDARD FIRE LADDERS.

Dimensions. A number one standard fire ladder is one foot nine inches (1′ 9″) wide over all, is supported from the walls of the building, starts five feet three inches (5′ 3″) above the sill of the highest door or window, or balcony leading thereto and runs to within seven feet nine inches (7′ 9″) of the grade line.

Ladders of this design may be used either on frame or masonry walls.

A. FRAME USED ON MASONRY WALLS. The frame shall be made of two (2) two by two by one-quarter (2x2x¼) inch angle irons with the webs parallel to and six (6) inches away from the wall of the building; and, with the flanges turned toward and at right angles to the wall and placed one foot nine inches (1′ 9″) on centers.

This frame shall start seven feet nine inches (7′ 9″) above the grade line, run to a point five feet three inches (5′ 3″) above the highest door or window sill or balcony leading thereto, and then be bent and extended into the wall of the building not less than eight (8) inches.

Fastenings. At the top of the ladder and fastened to each angle by two (2) one-half (½) inch rivets there shall be one-half (½) inch bolts extending through and bolted to four by four (4x4) inch washers placed on the inside of the wall.

Washer and nut shall be let into the brick work so as to give a smooth surface when plastered over.

Below this point the frame shall be supported by and anchored to the walls of the building by one-half (½) inch bolts spaced not more than six (6) feet on centers and placed on both angles of the frame. These bolts shall be flattened and be riveted to the web of the angles by half inch rivets, and the heads shall extend into the brick work not less than four (4) inches and be solidly anchored to place by lead calking. The lowermost support shall not be more than eight (8) inches above the bottom of the frame or angles.

The ladder shall be placed not more than six (6) inches away from any door, window or balcony leading thereto.

Construction.

B. FRAME USED ON FRAME WALLS. The frame shall be made of two (2) two by two by one-quarter (2x2x¼) inch angle irons, with the webs parallel to and six (6) inches away from the wall of the building, and with the flanges turned toward and at right angles to the wall and placed one foot nine inches (1′ 9″) on centers.

This frame shall start seven feet nine inches (7′ 9″) above the grade line, run to a point five feet three inches (5′ 3″) above the highest door or window sill or balcony leading thereto, and then be bent, turned against the wall of the building and be riveted to a wall angle by one-half (½) inch rivets.

Below this point the frame shall be supported by and be anchored to the walls of the building, by one by one-quarter (1x¼) inch iron anchors spaced not more than six (6) feet on centers and placed on both angles of the frame. The anchors shall be riveted to the frame by one-half (½) inch rivets, and be bent at the wall and be riveted to wall angles by one-half (½) inch rivets.

Wall angles to support the above frame shall be one and one-half by one and one-half by one-quarter (1½x1½x¼) of proper length to cover two studding, but in no case less than two (2) feet long. These angles shall be bolted to the studding by one-half (½) inch bolts.

The heads of all bolts through the studding shall be countersunk into the studding so as to give a smooth surface when plastered over.

C. RUNGS. Rungs shall be made of three-quarter (¾) inch in diameter iron bars.

The lowermost rung shall be placed not more than eight (8) feet above the grade line; the uppermost rung not less than five (5) feet above the topmost door or window sill, or balcony leading to the ladder, and between these points the rungs shall be spaced not more than one foot two inches (1′ 2″) on centers.

Rungs shall be flattened at the ends, let into and through the web of the angles, and be welded securely to place.

D. MISCELLANEOUS. Everything shall be made in a thorough and workmanlike manner in accordance with the above specifications all to be given two (2) coats of the best weather paint, one (1) before being erected and one (1) after, and the whole shall be constructed subject to the approval of the chief inspector of workshops, factories and public buildings, or building inspector or commissioner in cities having building inspection departments.

Section 12600-117. SECTION 11. NO. 2 STANDARD FIRE LADDERS.

A number two standard fire ladder is one foot nine inches (1′ 9″) wide over all; is supported from the walls

of the building; starts one foot three inches (1′ 3″) above the floor level of an areaway placed below the grade line and runs to a point six feet three inches (6′ 3″) above the grade line.

A. AREAWAY. Areaway shall be of such a shape and size as to receive the exit door or window leading thereto, without interfering with the operation of such door or window, shall be not less than three (3) feet wide and not less than three (3) feet long and provide a blank wall space not less than two feet nine inches (2′ 9″) wide for the placing of the ladder; and the floor of area shall be not less than six (6) inches below the top of the door or window sill leading thereto.

Ladders of this design may be used either on frame or masonry walls.

Construction.

B. FRAME.. The frame shall be made of two, two by two by one-quarter (2x2x¼) inch angle irons; with the webs parallel to and six (6) inches away from the walls of the building; and with the flanges turned toward and at right angles to the wall and placed one foot nine inches (1′ 9″) on centers.

The frame shall start one foot three inches (1′ 3″) above the floor line of the area, run to a point six feet three inches (6′ 3″) above the grade line, and then be bent and be extended into the wall of the building not less than eight (8) inches.

At the top of the ladder and fastened to each angle by two (2) one-half (½) inch rivets there shall be one-half (½) inch bolts extending through the wall and bolted to four by four (4x4) inch washers placed on the inside of the wall.

Washer and nut shall be let into the brick work so as to give a smooth surface when plastered over.

Below this point the frame shall be supported by and be anchored to the walls of the building by one-half (½) inch bolts spaced not more than six (6) feet on centers and placed on both angles of the frame. These bolts shall be flattened and be riveted to the web of the angles by half (½) inch rivets, and the heads shall extend into the brick work not less than four (4) inches, and be solidly anchored to place by lead calking. The lowermost support shall not be more than eight (8) inches above the bottom of the frame or angles.

The frame shall not be placed nearer any wall, window or door opening than six (6) inches.

If ladders of this style are supported by frame walls the supports shall be as called for under specifications for No. 1 standard ladders.

C. RUNGS. Rungs shall be made of three-quarters (¾) inch in diameter iron bars.

The lowermost rung shall be placed not more than one foot six inches (1′ 6″) above the floor of the areaway, the uppermost rung not less than six feet (6′ 0″) above the

grade line and between these points the rungs shall be spaced not more than one foot two inches (1′ 2″) on centers.

Rungs shall be flattened at the ends, let into and through the web of the angles and be welded securely to place.

D. GUARDING AREAWAYS. The areaways to be provided with a guard railing two feet six inches (2′ 6″) high made of two (2) inch iron pipe, put together with standard connections and provided with wall flanges. Standards shall be spaced not more than four (4) feet on centers, and be let into the coping of the areaway not less than four (4) inches and be leaded to place. Guard rails.

Railing shall be provided with top and center horizontal bars.

Railing shall extend around all open sides of the areaway and have no openings through the same.

Areaways may be partly covered at the grade line providing an opening two feet six inches (2′ 6″) square is left at the ladder for means of egress and such opening is provided with a guard rail as above described.

E. MISCELLANEOUS. Everything shall be made in a thorough and workmanlike manner in accordance with the above specifications, all metal work to be given two (2) coats of the best weather paint one (1) before erected and one (1) after, and the whole shall be constructed subject to the approval of the chief inspector of workshops, factories and public buildings, or building inspector or commissioner in cities having building inspection departments.

'Section 12600-118. SECTION 12. "A" STANDARD FIRE ESCAPES.

An "A" standard fire escape is twenty-four (24) inches wide, is supported by brackets from the wall of the building and extends to within ten (10) feet of the grade line, from which point a counterbalanced stairway, or a stationary ladder placed against the wall of the buildings leads to the grade line.

Fire escapes of this design may be used on either frame or masonry walls.

A. BALCONY. There shall be a balcony at each floor above the ground twenty-one (21) inches wide clear of all obstructions, except at head and foot of stairs where the balcony shall be forty-five (45) inches wide for a length of not less than thirty (30) inches, the wide section of balcony to be supported by two (2) brackets; balconies shall be of sufficient length to extend not less than twelve (12) inches beyond window openings. Balcony construction.

Balcony floor shall be constructed with three (3) one and one-half by one-fourth ($1\frac{1}{2}$x$\frac{1}{4}$) inch angle iron stringers resting on brackets to be placed not to exceed eight (8) feet apart; there shall be one and one-fourth by one-fourth ($1\frac{1}{4}$x$\frac{1}{4}$) inch flat iron strips riveted to one

and one-half by one-fourth (1½x¼) inch angle iron floor stringers, strips shall be placed not to exceed three-quarters (¾) of an inch apart which will form the floor.

Balconies at window levels shall not be placed more than seven (7) inches below the top of the window sills.

B. LATTICE TRUSS FOR BALCONY. There shall be a lattice work truss on all wide and narrow balconies constructed with a bottom stringer of one and one-half by one-fourth (1½x¼) inch angle iron, the lattice pieces shall be one and one-fourth by one-fourth (1¼x¼) inch flat iron, which shall be riveted to the outside stringer of landing or balcony, and lattice truss shall be dropped down twelve (12) inches below landing or balcony floor to make same rigid.

Dimensions.

C. HAND RAIL FOR BALCONY. The top or hand rail for each landing or balcony shall be three (3) feet high from balcony floor stringer, made of one and one-fourth by three-sixteenths (1¼x3-16) inch angle iron, the end next to the wall shall have a one-half (½) inch bolt securely fastened to top rail, which shall pass through the wall and fasten on the inside with a four (4) inch washer and a one-half inch nut, both to be let into the wall so as to form a smooth surface when plastered over.

The filling in between hand rail and stringer of the balcony shall be made of one and one-fourth by one-fourth (1¼x¼) inch flat iron using two (2) bars between the top or hand rail and the floor stringer.

The top or hand rail of balcony shall be braced with a five-eighths (⅝) inch round iron brace rod securely riveted to the top or hand rail, then passing down through the outer end of the main bracket and fastened with nut both on upper and lower sides.

D. BRACKET USED ON MASONRY WALLS. The main or top cord of bracket shall be made from two by one-half (2x½) inch flat iron, extending out eight (8) inches beyond the balcony; with a seven-eighths (⅞) inch bolt, welded on the back end, which shall pass through the wall and fasten on the inside with a six (6) inch washer and a seven-eighths (⅞) inch nut, washer and nut shall be let into the wall so as to form a smooth surface when plastered over; main cord of bracket shall be braced with a brace made from one and one-half by one-half (1½x½) inch flat iron into the main angle brace, which is made of one and one-half by one-fourth (1½x¼) inch angle iron and shall extend to the outer side of the balcony; brackets for twenty-one (21) inch wide balcony will not require filling. Brackets shall be anchored through the solid wall and not placed under windows or doors, and be placed not to exceed eight (8) feet apart.

Construction.

E. BRACKETS AND ANCHORS USED ON FRAME WALLS. The main or top cord of bracket shall be made from two by one-half (2x½) inch flat iron, extending out eight (8) inches beyond the balcony with a seven-eighths (⅞) inch

bolt welded on the back ends, which will pass through the wall and fasten to a two and one-half by three-eighths ($2\frac{1}{2}$x$\frac{3}{8}$) inch wall angle with a two inch washer and a seven-eighths ($\frac{7}{8}$) inch nut; washer, nut and angle shall be let into the wall so as to form a smooth surface when plastered over; main cord of bracket shall be braced with a brace made from one and one-half by one-half ($1\frac{1}{2}$x$\frac{1}{2}$) inch flat iron into the main angle brace which is made of one and one-half by one-fourth ($1\frac{1}{2}$x$\frac{1}{4}$) inch angle iron and shall extend to the outer side of the balcony; the lower part of the bracket shall rest on and be bolted to a two and one-half by three-eighths ($2\frac{1}{2}$x$\frac{3}{8}$) inch wall angle by a one-half ($\frac{1}{2}$) inch bolt; brackets for twenty-one (21) inch wide balcony will not require filling.

Brackets shall be anchored through the solid wall and not be placed under doors or windows, nor be placed to exceed eight (8) feet on centers measuring horizontally.

Hand rails shall be secured to the walls of frame buildings the same as to masonry walls except where bolts do not strike the studding; short pieces of two (2) by four (4) inch timbers shall be placed between the studding at the proper height to secure the bolts; and nuts and washers shall be countersunk so as to give a smooth surface when plastered over.

Wall angles shall be placed horizontally, be of such a length as to give a bearing of not less than two (2) inches on two studding and be bolted to the studding at both ends by one-half ($\frac{1}{2}$) inch bolts; the upper wall angle shall be placed on the inside of the wall and the flange of the angle cut off so as to fit between the studding; and the lower wall angle shall be placed on the outside of the wall with the flange below the bolts forming a shelf to support the bracket.

F. STAIRWAY. There shall be a flight of stairs from each balcony, and from first balcony above the ground there shall be a flight of stairs to extend to within ten (10) feet of the ground.

The stairs shall be constructed with two (2) stringers, each made with a top and bottom cord of one and one-fourth by three-sixteenths ($1\frac{1}{4}$x3-16) inch angle iron, with a rise rail of one and one-fourth by one-fourth ($1\frac{1}{4}$x$\frac{1}{4}$) inch flat iron and a tread rail of one and one-fourth by three-sixteenths ($1\frac{1}{4}$x3-16) inch angle iron, formed into a lattice of sufficient width to give an eight (8) inch tread and an eight (8) inch rise step so that the outer edge of the step will be the center of the lattice, the lattice work shall be riveted at the center, and the one and one-fourth by three-sixteenths ($1\frac{1}{4}$x3-16) inch angle tread rail shall form the support for the steps. Construction.

The steps shall be formed of one and one-fourth by three-sixteenths ($1\frac{1}{4}$x3-16) inch angle iron, with four (4) angles to each tread, and the web of these angles shall be

cut out so as to give the flanges a solid bearing on the stringers.

The stairs in no case shall be less than twenty-four (24) inches wide from outside to outside of stringers, and shall be placed on the outside of the balcony.

The stairs shall have a one-half (½) inch round iron anchor rod riveted to the top cord of the inside stair stringer about central between balconies, which shall anchor in the wall to prevent vibration.

The last flight of stairs from first balcony above the ground shall come down to within ten (10) feet of the ground, there to have a landing of not less than two (2) feet, which shall rest on a bracket as per above bracket specifications, or hung on stirrups from balcony stringers above. At the lower or first balcony above the ground there shall be provided a counter-balanced stairway, provided with a counter-balanced extension to the stairway stringers of proper weights to hold the stairway normally in a horizontal position.

The weight of the counterbalance shall be equally balanced by a superimposed load of one hundred and twenty-five (125) pounds placed four (4) feet from the fulcrum.

The stairway shall be constructed as prescribed under "F" and "G," have hand rails on both sides and be of proper length to reach the ground or grade line with the treads level and the risers plumb.

Fulcrum. The fulcrum or hinge shall be made of one-half by twelve by twelve (½x12x12) inch plates (two to each hinge or fulcrum) which shall be riveted to the top and bottom stringers of the stairway, and balcony truss by one-half (½) inch rivets, using four (4) rivets to each plate.

The pivot shall be made of a bar one and one-quarter (1¼) inches in diameter, which shall pass through both hinges and project two (2) inches on either side of the stair stringers, and the bar shall be locked to place by metal pins or by upset ends.

Weights. The weight shall be supported by two one-half by three (½x3) inch bars riveted to the stair stringer.

The weight shall be cylindrical in form, of a length equal to the width of the stairs and be held to place by a one and one-quarter (1¼) inch bar passing through the weight and the two one-half by three (½x3) inch supports. Bar shall be held to place by metal pins or upset ends.

Where impossible to install a counterbalanced stairway, and when the change is authorized by the chief inspector of workshops, factories and public buildings or by the building inspector or commissioner in cities having building inspection departments, ladders may be used in place of the counterbalanced stairways above prescribed.

Ladder shall be constructed according to the No. 1 standard fire ladder requirements, except that the frame shall start not more than one foot six inches (1′ 6″) above

the grade line and the lowermost rung not more than two (2) feet above the grade line.

G. HAND RAILS AND BALUSTERS FOR STAIRS. The stairs shall be provided with a hand rail on each side constructed of one and one-fourth by three-sixteenths (1¼x 3-16) inch angle iron, and each alternate one and one-fourth by one-fourth (1¼x¼) inch flat iron rise rail shall run through and rivet to hand rail forming the balusters for stairs; the filling in between hand rails and stairs shall be one (1) strip of one and one-fourth by one-fourth (1¼x ¼) inch flat iron. Dimensions.

The hand rails for the stairs shall be braced central between the balconies with a bracket made out of one and one-fourth by one-fourth (1¼x¼) inch flat iron riveted to top and bottom cord of stair stringers, with a one-half (½) inch round brace rod from hand rail to bracket.

The balusters for the stairs shall be three (3) feet high from the nosing of the tread, and run through and fasten on the bottom cord of the stair stringer.

H. RIVETS. The entire work shall be assembled by soft iron rivets except where above distinctly mentioned to be bolted together. Bolts used in assembling shall be one-half (½) inch, and all bolts shall be riveted over after being drawn to place.

Rivets shall be used at all points where two or more members lap or come in contact with each other.

Rivets for brackets shall be three-quarters (¾) inch.

Rivets for brace rods shall be one-half (½) inch.

Rivets for stringers, truss and hand rails shall be three-eighths (⅜) inch.

Rivets for stair treads and balcony floor strips shall be one-quarter (¼) inch.

I. MISCELLANEOUS. Everything shall be made in a thorough and workmanlike manner in accordance with the above specifications, all to be given two (2) coats of the best weather paint, one (1) before being erected and one (1) after, and the whole shall be constructed subject to the approval of the chief inspector of shops, factories and public buildings, or building inspector or commissioner in cities having building inspection departments.

"A" standard fire escapes when used above and as a part of a fire escape built according to other standard specifications, shall not have a counterbalanced stairway or ladder to the lower balcony, but the stairway shall be continued down to and be connected with the topmost balcony of the other standard escape.

Section 12600-119. SECTION 13. "B" STANDARD FIRE ESCAPES.

A "B" standard fire escape is three feet six inches (3′ 6″) wide, is supported on brackets from the walls of the building, and the stairway runs to the grade level.

Fire escapes of this design shall not be supported by frame walls.

Dimensions.

A. LANDING OR BALCONY. Landings or balconies three (3) feet eight (8) inches wide in the clear, measuring from the wall line to the inside of lattice truss, shall be placed at each floor level; and shall be of sufficient length to extend twelve (12) inches beyond the jambs of the exit door or window, and permit brackets and hand rails to be anchored through the solid wall. Intermediate landings or balconies three feet six inches by three feet six inches (3′ 6″x3′ 6″) shall be inserted between story levels, so located as not to permit of over eighteen (18) or less than three (3) risers in any run of steps.

The floor of landing or balcony shall be constructed of one and one-fourth by one-fourth (1¼x¼) inch flat iron placed one (1) inch apart and riveted to five (5) one and one-half by one-fourth (1½x¼) inch angle iron stringers, and the stringers shall rest on brackets.

Brackets shall be spaced not over five (5) feet on centers and at both ends of each landing or balcony.

Landings or balconies at floor levels shall be placed not more than seven (7) inches below the top of the door sill.

B. LATTICE TRUSS FOR BALCONY. There shall be a lattice work truss with a bottom stringer of one and one-quarter by three-sixteenths (1¼x3-16) inch angle iron, the lattice pieces to be one and one-quarter by one-quarter (1¼x¼) inch flat iron which shall be riveted to the outside stringer of landing or balcony, and lattice truss shall be dropped down twelve (12) inches below the landing or balcony floor to make same rigid.

C. HAND RAIL FOR LANDING OR BALCONY. There shall be a top or hand rail for landings or balconies, which shall be three (3) feet high from the balcony floor, made of one and one-fourth by three-sixteenths (1¼x3-16) angle iron. This shall be cut, mitered and bent at the wall line, run down the wall and be cut, bent and bolted to the balcony floor.

Construction.

Top of wall angle shall be bolted to and through the wall to a four (4) inch washer, by a half (½) inch bolt with a half (½) inch nut, and both to be let into the wall so as to form a smooth surface when plastered over.

The filling in between hand rail and platform shall be made of one and one-fourth by one-fourth (1¼x¼) inch flat iron using two (2) bars between top or hand rail and floor stringers, and verticals spaced one (1) foot eight (8) inches on centers.

The top or hand rail of landing or balcony shall be braced with five-eighths (⅝) inch round iron brace rods securely riveted to top or hand rail, then passing down through the outer end of the top cord of main brackets, and fastened with nut both on upper and lower sides of bracket.

D. Brackets for Landing or Balcony at Floor Levels. The top of bracket shall be made from two by one-half (2x½) inch flat iron extending over eight (8) inches beyond the outer edge of the landing or balcony and turned down at inner edge to rivet to vertical wall piece. Vertical wall piece shall be made of two and one-half by three-eighths (2½x⅜) inch angles three (3) feet three (3) inches long, extending not over twelve (12) inches above the top of the top cord and three (3) inches below the bottom of angle brace.

The diagonal brace for bracket shall be made of one and one-half by one-quarter (1½x¼) angle iron, this shall start at outer edge of landing or balcony, run at an angle of thirty (30) degrees and be riveted to the vertical wall piece.

Brace between top and bottom cords of brackets shall be made of two by one-half (2x½) inch brace rod, made in one piece and bent to shape. This shall start at center of top cord, drop perpendicular to angle brace and then run at an angle to angle formed by top cord and wall piece.

The top of the bracket shall be bolted to and through the wall by a seven-eighths (⅞) inch bolt with a six (6) inch washer and a seven-eighths (⅞) inch nut, washer and nut to be let into the wall so as to form a smooth surface when plastered over. Bottom of bracket shall be secured to the wall by a one-half (½) inch pin extending into the wall four (4) inches.

E. Brackets for Landings or Balconies Not at Floor Levels and for Stairways. These shall be of the same style and design as brackets for landings or balconies at the floor lines, except, wall piece shall stop at the top cord of the bracket and the top anchor bolt shall be placed immediately under the top cord.

F. Stairways. The outside and inside stringers of the stairs shall be constructed with top and bottom cords of one and one-quarter by three-sixteenths (1¼x3-16) inch angle iron, riveted together, formed into a lattice with one and one-fourth by one-quarter (1¼x¼) flat iron rise rail, and a one and one-fourth by three-sixteenths (1¼x3-16) inch angle iron tread rail, which shall form the supports for the treads. Construction.

The center stringer shall be made of one and one-quarter by three-sixteenths (1¼x3-16) inch raking stringer, with one and one-quarter by three-sixteenths (1¼x3-16) angle iron formed into a ten (10) inch tread, and a one and one-quarter by one-quarter (1¼x¼) flat iron formed into a seven (7) inch riser.

Treads shall be made of one and one-quarter by three-sixteenths (1¼x3-16) angle iron, with five (5) angles to each tread.

Stairways shall be three feet eight inches (3′ 8″) wide in the clear between the wall line of the building and the

center of the outside stringer, and steps shall be formed into a seven (7) inch rise and a ten (10) inch tread. Center of wall stringer shall be placed two and one-half (2½) inches away from wall line of building.

Where angles forming treads rest on center and two outside stringers, the vertical member or web shall be cut out so that the flange will rest solidly upon the stringers.

Stair supports.

Stairs shall be supported upon brackets constructed as per bracket specifications, and bracket shall be spaced not over eight (8) feet on centers, measuring horizontally.

There shall be seven-eighths (⅞) inch round iron brace, riveted central between the brackets to the bottom cord of outside stringer, and anchored to the wall at an angle of forty-five (45) degrees to the wall and ninety (90) degrees to the stringer.

The weight of the stairs shall be thrown perpendicularly on to the main brackets by small brackets bent to the proper form, made of two by one-half (2x½) inch flat bars ten (10) inches long and riveted at both ends to the bottom of each stringer.

There shall be a five-eighths (⅝) inch round iron brace rod from the top cord of each bracket, securely riveted to the top rail, then passing down through the outer end of the top cord of main bracket and fastened with a nut on the upper and lower side of the top cord of the main bracket.

Specifications.

G. HAND RAILS AND BALUSTERS FOR STAIRS. The stairways shall be provided with hand rails on the outer and inner sides and made of one and one-fourth by three-sixteenths (1¼x3-16) inch angle iron, hand rails to be bent and turned down to form the first baluster and be anchored to the footing stone; the hand rail on the inner side anchoring to the wall; the filling in between the hand rails and stringers shall be made of one and one-fourth by one-fourth (1¼x¼) inch flat iron using one bar between hand rail and stringer, and verticals spaced one (1) foot eight (8) inches on centers.

Hand rail shall be three (3) feet high measuring perpendicular from the nosing of the step.

H. RIVETS. The entire work shall be assembled by soft iron rivets except where above distinctly mentioned to be bolted together and where stairs fasten at top and bottom to balconies on landings. Bolts used in assembling shall be one-half (½) inch, and all bolts shall be riveted over after being drawn to place.

Rivets shall be used at all points where two or more members lap or come in contact with each other.

Rivets for brackets shall be three-quarter (¾) inch.

Rivets for brace rods shall be one-half (½) inch.

Rivets for stringers, truss and hand rails shall be three-eighths (⅜) inch.

Rivets for stair treads and balcony floor strips shall be one-quarter (¼) inch.

I. FOUNDATION. Foot of stairway shall rest upon a concrete foundation wall, not less than twelve (12) inches wide, three (3) feet ten (10) inches long and extending below the surface of the ground not less than two (2) feet six (6) inches.

Concrete shall be composed of one part fresh Portland cement, two parts clean sharp sand and four parts clean gravel or crushed stone.

Foundation shall be formed in a wooden form.

J. MISCELLANEOUS. Everything shall be done in a thorough and workmanlike manner, in accordance with the above specifications including all minor details and connections necessary to make the same rigid, substantial and complete.

All shall be given two coats of the best weather paint, one coat before and the other after assembling.

The whole of the above work shall be constructed subject to the approval of the chief inspector of workshops, factories and public buildings, or building inspector or commissioner in cities having building inspection departments.

Section 12600-120. SECTION 14. "C" STANDARD FIRE ESCAPES.

A. "C" standard fire escape is three feet six inches (3′ 6″) wide, is supported by columns, is built either at right angles to the wall of the building, or is placed two feet six inches (2′ 6″) away from and parallel to the walls of the building, and the stairway runs to the grade line.

Fire escapes of this design may be placed on buildings with either frame or masonry walls.

A. LANDING OR BALCONY. Landings or balconies six (6) feet wide, measuring from the wall line to the outside of the platform, shall be placed at each floor level where the fire escape is run parallel to the building, and landings or balconies three feet six inches (3′ 6″) wide, measuring from the wall line to the outside of the platform, shall be placed at the floor level where the fire escape runs at right angles to the building, and these landings or balconies shall be of sufficient length to extend twelve (12) inches beyond the jambs of the exit door leading thereto, and permit the channel iron supports and hand rails to be anchored through the solid wall. Intermediate landings or balconies three feet six inches by three feet six inches (3′ 6″x3′ 6″) shall be inserted between story levels, so located as not to permit of over eighteen (18) or less than three (3) risers in any run of steps.

Specifications of materials.

The floor of landing or balcony shall be constructed of one and one-fourth by one-fourth (1¼x¼) inch flat iron, placed (1) inch apart and riveted to one and one-half by one-fourth (1½x¼) inch angle stringers placed not over one (1) foot three (3) inches on centers. The vertical member or web of stringers shall be cut out over supports so that the flange will rest solidly upon the supports.

Landings or balconies shall be supported upon channel iron supports, using not less than five (5) inch channels to support floor stringers, and not less than three (3) inch channels at the outer ends of balconies or landings and parallel with floor stringers.

Floor stringers shall be supported every five (5) feet by channel irons. Where necessary to use balconies or landings over five (5) feet by six (6) feet, the channel iron supports for the same shall be calculated to safely support a load of one hundred (100) pounds per square foot.

Transverse channels for balconies or landings shall be let into the brick walls not less than eight (8) inches, and be bolted to and through the wall by one-half (½) inch bolt with a four (4) inch washer and one-half (½) inch nut, washer and nut shall be let into the wall so as to form a smooth surface when plastered over.

Transverse channels shall extend eight (8) inches beyond the outer edge of the landing or balcony to support brace rod to balcony railing.

Landings or balconies at floor levels shall be placed not more than seven (7) inches below the top of the door sill.

B. HAND RAIL FOR LANDING OR BALCONY. There shall be a top or hand rail for landings or balconies, which shall be three (3) feet high from balcony floor, made of one and one-fourth by three-sixteenths (1¼x3-16) angle iron. This shall be cut, mitred and bent at the wall line, run down the wall and be cut, bent and bolted to the balcony floor.

Top of wall angle shall be bolted to and through the wall to four (4) inch washer by one-half (½) inch bolt with a half (½) inch nut, both to be let into the wall so as to form a smooth surface when plastered over.

The filling in between hand rail and platform shall be made of one and one-fourth by one-fourth (1¼x¼) inch flat iron, using two (2) bars between top or hand rail and floor stringers, and verticals spaced one (1) foot eight (8) inches on centers.

The top or hand rail of landing or balcony shall be braced with five-eighths (⅝) inch round iron brace rods, securely riveted to top or hand rail, then passing down through the outer end of the transverse channels and fastened with nut both on upper and lower sides of channel irons.

Stairway construction.

C. SUPPORTS FOR STAIRWAYS. Stairways shall be supported every eight (8) feet by three by three-eighths (3x⅜) inch angle irons, let into the brick work at least eight (8) inches, and projecting eight (8) inches beyond the outer edge of stairway to give support for hand rail brace.

Angle iron support shall be bolted to and through the wall, by a one-half (½) inch bolt with a four (4) inch washer and a one-half (½) inch nut, washer and nut to be

let into the wall so as to form a smooth surface when plastered over.

D. STAIRWAYS. The outside and inside stringers of the stairs shall be constructed with top and bottom cords of one and one-quarter by three-sixteenths (1¼x3-16) inch angle iron, riveted together, formed into a lattice with one and one-quarter by one-quarter (1¼x¼) flat iron rise rail, and a one and one-fourth by three-sixteenths (1¼x3-16) inch angle iron tread rail which shall form the support for the treads.

The center stringer shall be made of one and one-quarter by three-sixteenths (1¼x3-16) inch raking stringer, with one and one-quarter by three-sixteenths (1¼x3-16) angle iron formed into a ten (10) inch tread, and a one and one-quarter by one-quarter (1¼x¼) inch flat iron formed into a seven (7) inch riser.

Treads shall be made of one and one-quarter by three-sixteenths (1¼x3-16) inch angle iron, with five angles to each tread.

Stairway shall be three (3) feet four (4) inches wide measuring from center to center of outside stringers, and steps shall be formed into a seven (7) inch rise and a ten (10) inch tread. Center of wall stringer shall be two feet six inches (2' 6") away from the wall line.

Where angles forming treads rest on center and two outside stringers, the vertical member or web shall be cut out so that the flange will rest solidly upon the stringers.

The weight of the stairs shall be thrown perpendicularly onto the angle iron support by small brackets bent to the proper form, made of two by one-half (2x½) inch flat bars ten (10) inches long and riveted at both ends to the bottom of each stringer.

There shall be five-eighths (⅝) inch round iron brace rods on both sides of stairways, securely riveted to the top rail, then passing down through the angle iron support and fastened with a nut on the upper and lower side of the web of the angle iron support.

E. HAND RAILS AND BALUSTERS FOR STAIRS. The stairways shall be provided with hand rails on the outer and inner sides, made of one and one-fourth by three-sixteenths (1¼x3-16) inch angle iron, hand rails shall be bent and turned down to form the first balusters and be anchored to the footing stone; the filling in between the hand rails and stringers shall be made of one and one-fourth by one-fourth (1¼x¼) inch flat iron using one bar between hand rail and stringer, and verticals spaced one (1) foot eight (8) inches on centers. Specifications of materials.

Hand rail shall be three (3) feet high measuring perpendicular from the nosing of the step.

F. SUPPORTS FOR BALCONIES AND STAIRWAYS. The entire escape, including balconies and stairways shall be supported upon angle iron columns of the proper size as called for by the following schedule.

Columns 16 feet and less 2½x2½x⅜" L.
Columns 15 feet to 20 feet 2½x3x⅜" L.
Columns 20 feet to 25 feet 2½x3½x⅜" L.
Columns 25 to 30 feet two 2½x2½x⅜" L.

Columns shall be placed at both outer corners of balconies at floor levels, at all four corners of intermediate balconies or landings, under both sides of stairways, and not over eight (8) feet on centers.

Bearing plate under foot of columns shall be made of eight by eight by one-half (8x8x½) inch plate secured to column by a three by three eighths (3x⅜) inch angle.

Columns shall be tied together by three (3) inch channels in both directions, from column to column and from columns to the wall. The first channel shall be placed six (6) feet above the ground, and above the same channels shall be spaced not over ten (10) feet apart.

Channels entering the walls shall have not less than eight (8) inch bearing, and be anchored to and through the wall, by one-half (½) inch bolts with four (4) inch washers and one-half (½) inch nuts, washer and nut to be let into the wall so as to form a smooth surface when plastered over.

All angles formed between lower channels and columns, shall have knee braces made of one and one-half by three-eighths (1½x⅜) inch flat iron two feet six inches (2' 6") long, placed below the channel.

All panels above the lower channel shall be sway braced in both directions by diagonal rods dividing the frame into triangles, rods to be one-half (½) inch in diameter and have turn buckles.

Columns used to support fire escapes which parallel the walls of the building shall be set plumb, and columns used to support fire escapes which run at right angles to the building shall pitch outward toward the ground at a rate of two (2) inches per foot of height.

Specifications of materials.

G. WALL ANGLES FOR FRAME BUILDINGS. Where "C" standard fire escapes are built in connection with frame buildings, angles and channels supporting balconies or landings shall not be let into the wall, but shall rest on and be bolted to two and one-half by three-eighths (2½x⅜) inch wall angles by one-half (½) inch bolts.

Angles shall be of such length so as to give at least two (2) inches of bearing on two separate studding, and angles shall be bolted to the studding by half (½) inch bolts.

Hand rails shall be secured to the wall the same as for buildings of masonry construction, except where bolts do not strike the studding, short pieces of two (2) by four (4) inch timber shall be set in between the studding at a proper height to secure the bolts.

Washers and nuts shall be countersunk into the studding so as to give a smooth surface when plastered over.

H. BOLTS. The following work shall be assembled by using one-half (½) inch bolts, viz.: channels to columns,

knee braces, sway rods, channel iron supports for balconies and landings, angle iron supports for stairways, anchoring to walls and fastening stairways to the balconies.

Bolts used in assembling shall be riveted over after being drawn to place.

I. RIVETS. Rivets shall be used where two or more members lap or come in contact with each other (except where above specified to be bolted.)

Rivets for small brackets shall be three-quarters (¾) inch.

Rivets for brace and anchor rods shall be one-half (½) inch.

Rivets for stringers and hand rails shall be three-eighths (⅜) inch.

Rivets for stair treads and balcony floor strips shall be one-quarter (¼) inch.

J. FOUNDATION. Foundation shall be made of concrete extending not less than two feet six inches (2′ 6″) below the finished grade line.

Foot of stairway shall rest on a foundation wall not less than twelve (12) inches wide and three (3) feet ten (10) inches long.

Columns shall rest on piers not less than eight (8) inches square, placed on footings not less than two (2) feet square and one (1) foot thick.

Concrete shall be composed of one part fresh Portland cement, two parts clean sharp sand and four parts clean gravel or crushed stone.

K. MISCELLANEOUS. Everything shall be done in a thorough and workmanlike manner, in accordance with the above specifications including all minor details and connections necessary to make the same rigid, substantial and complete.

All shall be given two coats of the best weather paint, one coat before and the other after assembling.

The whole of the above work shall be constructed subject to the approval of the chief inspector of workshops, factories and public buildings, or building inspector or commissioner in cities having a building inspection department.

Section 121. SECTION 15. "D" STANDARD FIRE ESCAPES.

Specifications.

A "D" standard fire escape is three feet six inches (3′ 6″) wide; is supported by columns; is placed eight (8) feet away from the building and is connected to the building at each story by bridges; is built in the form of a tower containing two parallel flights of stairs, one leading downward from each story level to a platform or landing placed midway between the story levels, and the other flight of stairs running in the opposite direction and leading from the midway platform or landing to a balcony or landing placed at the next story level below; and the stairway runs to the grade line.

The main axis of the tower may be placed either at right angles to, or parallel with the walls of the building when the topmost bridge is not more than forty-eight (48) feet above the grade line; and where the top bridge is more than forty-eight (48) feet above the grade line, the tower shall parallel the walls of the building.

Fire escapes of this design may be placed on buildings with either frame or masonry walls.

A. BRIDGE AND LANDING, OR BALCONY. Bridge eight feet two inches (8′ 2″) wide, measuring from the wall line to the outside of the platform, shall be placed at each floor level and be of sufficient length to extend twelve (12) inches beyond the jambs of the exit opening leading thereto, and permit the latticed supports and hand rails to be anchored through the solid wall. Intermediate landings or balconies shall be placed midway between the story levels, so located as not to permit of over eighteen (18) or less than (3) risers in any run of steps; these landings or balconies shall be not less than three feet six inches (3′ 6″) wide, and be of a length equal to the total width of all stairways leading thereto or therefrom.

The floor of bridges, landing or balcony shall be constructed of one and one-fourth by one-fourth (1¼x¼) inch flat iron, placed one (1) inch apart and riveted to one and one-half by one-fourth (1½x¼) inch angle stringers placed not over one (1) foot three (3) inches on centers. The vertical member or web stringers shall be cut out over supports so that the flange will rest solidly upon the supports.

Floor stringers shall be supported every five (5) feet by three (3) inch channels.

The ends of floor slats shall be riveted to a one and one-quarter by one-quarter (1¼x¼) inch flat iron filler.

Bridges and landings or balconies at floor levels shall be placed not more than seven (7) inches below the surface of the floor.

Specifications.

B. SUPPORTS FOR BRIDGES, LANDINGS OR BALCONIES. Bridges at the floor levels of the building shall be supported at the outer ends by lattice trusses. These trusses shall have a top and bottom stringer made of one and one-half by one-quarter (1½x¼) inch angles, the lattice pieces to be one and one-quarter by one-quarter (1¼x¼) inch flat iron, which shall be riveted to the outside stringer of landing or balcony, lattice truss shall be dropped down twelve (12) inches below the bridge floor to make the same rigid.

The lattice truss shall be secured to the columns supporting the tower by a one and one-half by one-quarter (1½x¼) inch angle one (1) foot long. This angle shall be riveted to the top and bottom members of the truss, and be bolted to the column by two (2) one-half (½) inch bolts.

The wall ends of the lattice trusses shall be let into the walls of the building not less than four (4) inches; the

top and bottom angles of trusses shall be tied together by a two and one-half by three-eighths (2½x⅜) inch angle one (1) foot long and riveted to place; below the truss shall be placed a two by one-half by six (2x½x6) inch flat iron bent into the shape of an L; this shall be riveted to the lower angle of truss and be bolted to and through the wall by one-half (½) inch bolts and four (4) inch washers; washer and nut shall be let into the wall so as to give a smooth surface when plastered over.

The balconies or landings in the tower part of the escape shall be supported on all sides by channel irons of the following sizes—viz.:—supporting one side of a balcony and not more than eight (8) feet long, three (3) inch channel; supporting one side of a balcony and one or more stairways and not over eight (8) feet long, five (5) inch channels, placed on the long side of the tower running from corner to corner of tower, not over sixteen (16) feet long and supporting the ends of balconies, five (5) inch channel; supporting part of a balcony and part of a bridge and not over eight (8) feet long, five (5) inch channel.

When the above length of channels are exceeded the next larger channel shall be used.

All channels supporting balconies or landings shall be supported at the ends by a channel of the same or greater dimensions, or be supported by an angle iron column running to the ground and resting on a masonry foundation.

Where one (1) channel is supported by another channel, standard connections shall be used, and these shall be riveted to one channel and be bolted to the other.

Channels supported by columns shall be bolted to the column by five-eighths (⅝) inch bolts, using one bolt for three (3) and four (4) inch channels, and two bolts for five (5) and six (6) inch channels.

Specifications.

C. HAND RAIL FOR BRIDGES AND BALCONIES OR LANDINGS. There shall be two hand rails for bridges, landings or balconies, one placed two feet six inches (2′ 6″) and the other four (4) feet above the bridge, balcony or landing floor made of one and one-fourth by three-sixteenths (1¼x 3-16) inch angle iron. The lower hand rail shall be cut, mitered and bent at the wall line, run down the wall and be cut, bent and bolted to the floor.

Top of wall angle shall be bolted to and through the wall, to four (4) inch washers by one-half (½) inch bolt with a half (½) inch nut, both to be let into the wall so as to form a smooth surface when plastered over.

The upper hand rail shall be placed two and one-quarter (2¼) inches beyond and outside of the lower hand rail, and be secured to the corner angle iron posts by one-half (½) inch bolts. At the outer corners of balconies and landings, the lower hand rail and the flat bars below the same shall be riveted to a one and one-quarter by three-sixteenths (1¼x3-16) inch angle, running from the hand rail to the floor, at which point the angle shall be cut, bent and

be bolted to the floor. One of the lower hand rails shall be carried across and be bolted to the angle post by a one-half (½) inch bolt.

Where the level rail intersects with a raking rail, there shall be a one and one-quarter by three-sixteenths (1¼x 3-16) inch angle running from the lower hand rail to the floor, riveted to the hand rail and flat bars, cut, bent and mitered at the bottom and bolted to the floor.

This angle shall be bolted to a similar angle fastened to the raking hand railing by two (2) one-half (½) inch bolts. The filling in between the lower hand rail and the floor, shall be made of one and one-fourth by one-fourth (1¼x ¼) inch flat iron, using three (3) bars between lower hand rail and the floor, and verticals spaced one foot eight inches (1′ 8″) on centers.

Upper hand rail shall be supported every one foot eight inches (1′ 8″) on centers, by one and one-fourth by one-fourth (1¼x¼) inch flat iron bars, riveted to the vertical bars below the lower hand rail, bent to clear the lower hand rail one and one-half (1½) inches and riveted to the upper hand rail.

Upper hand rail shall be bolted to and through the wall by one-half (½) inch bolts and two (2) inch washers, nuts and washers to be let into the brick work so as to give a smooth surface when plastered over.

Where lengths of railing exceed eight (8) feet between lateral supports, the lower hand rail shall be braced with a five-eighths (⅝) inch round iron brace rod, securely riveted to the hand rail and fastened to a bracket or channel iron floor support eight (8) inches beyond the floor stringers, and secured to the bracket or channel with nuts on upper and lower side of the same.

Brackets shall be made of one and one-half by three-eighths (1½x⅜) inch flat bars.

Specifications.

D. Supports for Stairways. Stairways shall be supported by channels at each landing or balcony. The angle forming end of stair rail of each flight of stairs shall be run down to the bottom of the channel iron support and be bolted to the same by two (2) one-half (½) inch bolts. The center stringer shall be fastened to the channel supports by one and one-fourth by three-sixteenths (1¼x3-16) inch flat bars of proper length riveted to the stringer by a one-half (½) inch rivet and bolted to the channel by a one-half (½) inch bolt.

Where the outside hand rails continue beyond the lower riser on a straight line, the outer stringer shall rest on a one and one-fourth by three-sixteenths (1¼x3-16) inch angle riveted to the lower stringer and the vertical splicing angle and bolted to the floor by one (1) one-half (½) inch bolt.

E. Stairways. The outside and inside stringers of the stairs shall be constructed with top and bottom cords of one and one-quarter by three-sixteenths (1¼x3-16) inch

angle iron, riveted together, formed into a lattice with one and one-fourth by one-quarter (1¼x¼) flat iron rise rail, and a one and one-fourth by three-sixteenths (1¼x3-16) inch angle iron tread rail, which shall form the support for the treads.

The center stringer shall be made of one and one-quarter by three-sixteenths (1¼x3-16) inch raking stringer, with one and one-quarter by three-sixteenths (1¼x3-16) angle iron, formed into a ten (10) inch tread, and a one and one-quarter by one-quarter (1¼x¼) inch flat iron formed into a seven (7) inch riser.

Treads shall be made of one and one-quarter by three-sixteenths (1¼x3-16) angle iron with five angles to each tread.

Stairway shall be three (3) feet four (4) inches wide measuring from center to center of outside stringers and steps shall be formed into a seven (7) inch rise and a ten (10) inch tread.

Where angles forming treads rest on center and two outside stringers, the vertical member or web shall be cut out so that the flange will rest solidly upon the stringers.

In the center of the tower, there shall be a space or well between the outer stringers of both stairways not less than one and seven-eighths (1⅞) inches in the clear.

Specifications.

F. HAND RAILS AND BALUSTERS FOR STAIRS. Two hand rails shall be placed on both sides of all stairways, one placed two feet seven inches (2′ 7″) and the other three feet seven inches (3′ 7″) above the nosing of the steps measuring perpendicularly, made of one and one-fourth by three-sixteenths (1¼x3-16) angles.

At each end of each hand rail there shall be a vertical splicing angle, made of one and one-quarter by three-sixteenths (1¼x3-16) inch angle, which will run down to the support below and be secured to the other railing by two (2) one-half (½) inch bolts.

The upper rail shall be placed two and one-quarter (2¼) inches beyond and outside of the lower hand rail.

The upper hand rail may be omitted below the lowest bridge and the other hand rail at the foot of the stairway shall be bent and turned down to form the first baluster and be bolted to the footing stone.

The filling in between the lower hand rail and the stairs shall be made of one and one-fourth by one-fourth (1¼x¼) inch flat iron, using two bars between the lower hand rail and stringer, and verticals spaced one foot eight inches (1′ 8″) on centers.

Upper hand rail shall be supported every one foot eight inches (1′ 8″) on centers, by one and one-quarter by one-quarter (1¼x¼) inch flat bars, riveted to the vertical bars below the lower hand rail, bent to clear the lower hand rail one and one-half (1½) inches, and riveted to the upper hand rail.

Where length of railing exceeds eight (8) feet be-

tween lateral supports, the same shall be braced in a substantial and rigid manner by brace rods, bolts, brackets or other device best suited to the location.

G. SUPPORTS FOR TOWER. The tower shall be supported at each of the four corners by angle iron columns extending from the grade line to a point level with the topmost bridge, and of undiminished size.

Columns to be of not less than the following dimensions:

Columns 12′ 0″ and less 2″x2″x⅜″ L.
Columns 12′ 0″ to 24′ 0″ long 3″x3″x⅜″ L.
Columns 24′ 0″ to 26′ 0″ long 4″x4″x⅜″ L.
Columns 36′ 0″ to 48′ 0″ long 4″x4″x½″ L.
Columns 48′ 0″ to 60′ 0″ long 4″x4″x⅝″ L.
Columns 60′ 0″ to 72′ 0″ long 4″x4″x¾″.

Columns over seventy-two (72) feet long shall be calculated to carry a uniform superimposed load of one hundred (100) pounds per square foot on all stairways, bridges, balconies and landings, plus the dead weight of the escape.

When necessary to splice columns, not more than two columns shall be spliced at the same level and these columns shall be diagonally opposite each other; columns shall have planed bearing surface, be provided with splice plates equal in area to the area of the column and be provided with a sufficient number of rivets to transfer the load from one column to the other.

No column length between lateral supports in any direction shall exceed fourteen (14) feet, and where such length is exceeded, channel iron placed horizontally and extending from column to column shall be used, such channel to be three (3) inches for a span of eight (8) feet or less, four (4) inches for a span from eight (8) feet to twelve (12) feet; five (5) inches, for a span from twelve (12) feet to sixteen (16) feet, six (6) inches, for a span from sixteen (16) feet to twenty (20) feet. Channels shall be bolted to the columns by five-eighths (⅝) inch bolts, using one bolt at each end of three (3) and four (4) inch channels, and two (2) bolts for five (5) and six (6) inch channels.

Specifications.

A channel iron shall girth the tower not more than seven (7) feet above the grade line, and similar channels shall be placed at the top of the columns.

Where towers are placed at right angles to the building the outer end shall be sway braced, and where placed parallel with the walls of the building, both narrow ends shall be sway braced; sway bracing topmost channels and columns shall be in the form of knee braces placed below the channels; these shall be made of one and one-half by three-eighths (1½x⅜) inch flat iron three (3) feet long; and panels between these points shall be sway braced in both directions by diagonal rods dividing the frame into triangles, rods to be seven-eighths (⅞) inch in diameter,

have turnbuckles and be secured to the column by seven-eighths (7/8) inch bolts.

Towers over forty-eight (48) feet high shall be placed parallel to the walls of the building, and the columns opposite the bridge shall be braced from the walls of the building at each bridge level by a lattice truss designed and secured to the wall and column, the same as called for, for the bridge lattice truss.

Columns shall be secured to the bearing plates by three by three-eighths (3x3/8) inch angles riveted to the plate and bolted to the column. Plate shall be anchored to the concrete foundation by one-half (1/2) inch bolts one (1) foot long.

H. Bearing Plates, Piers and Footings. The following sizes of bearing plates, foundation piers and footings shall be used for the various sizes of columns employed:

Length and Size of Columns.	Size of Plate & Pier.	Size of Footing.
12′ 0″ long 2x2x3/8	6″x 6″	1′ 6″x1′ 6″
24′ 0″ long 3x3x5/8	8″x 8″	2′ 0″x2′ 0″
36′ 0″ long 4x4x3/8	10″x 10″	2′ 6″x2′ 6″
48′ 0″ long 4x4x1/2	12″x 12″	3′ 0″x3′ 0″
60′ 0″ long 4x4x5/8	1′ 3″x 1′ 3″	3′ 3″x3′ 3″
72′ 0″ long 4x4x3/4	1′ 6″x 1′ 6″	3′ 6″x3′ 6″

Towers built in excess of seventy-two (72) feet in height shall be built according to special designs and such designs and construction shall be approved by the chief inspector of workshops, factories and public buildings, or building inspector or commissioner in cities having a building inspection department.

Specifications.

I. Wall Angles for Frame Buildings. Where D standard fire escapes are built in connection with frame buildings, the trusses supporting bridges shall not be let into the wall, but shall rest on and be bolted to, two and one-half by three-eighths (2 1/2x3/8) inch wall angles by one-half (1/2) inch bolts.

Angles shall be of such length as to provide at least two (2) inches of bearing on two separate studding, and angles shall be bolted to the studding by half (1/2) inch bolts.

Hand rails shall be secured to the wall the same as for buildings of masonry construction, except where bolts do not strike studding, in which case short lengths of two (2) by four (4) inch timber shall be set in between the studding at a proper height to secure the bolts.

Washers and nuts shall be countersunk into the studding so as to give a smooth surface when plastered over.

J. Bolts. The following work shall be assembled by bolts, viz., seven-eighths (7/8) inch bolts shall be used to secure braces, five-eighths (5/8) inch bolts shall be used for

securing channels to channels, and channels to columns; one-half (½) inch bolts shall be used to secure the following, knee braces, columns to plates, stairs to channels, splice angles to rails, stairs to floors, bridge truss to tower, bridge truss to wall, hand rail to wall and hand rails to columns.

Bolts used in assembly shall be riveted over after being drawn to place.

K. RIVETS. Rivets shall be used where two or more members lap or come in contact with each other (except where above mentioned to be bolted).

Rivets for stringers and hand rails shall be three-eighths (⅜) inch.

Rivets for stair treads and floor strips shall be one-quarter (¼) inch.

All other rivets shall be of a diameter equal to the thickness of the smaller member assembled.

L. FOUNDATION. Foundation shall be made of concrete extending not less than two feet six inches (2′ 6″) below the finished grade line.

Foot of stairs shall rest on a foundation not less than twelve (12) inches wide, nor less than three feet ten inches (3′ 10″) long.

Columns shall rest on piers not less than one foot six inches (1′ 6″) high, and piers shall rest on a footing not less than one (1) foot high. (For dimensions of footings and piers see H.)

Concrete shall be composed of one part fresh Portland cement, two parts clean sharp sand and four parts clean gravel or crushed stone, and be formed in a wooden or metal form.

M. MISCELLANEOUS. Everything shall be done in a thorough workmanlike manner, in accordance with the above specifications, including all minor details and connections necessary to make the same rigid, substantial and complete.

All shall be given two coats of the best weather paint, one coat before and the other after assembling.

The whole of the above work shall be constructed subject to the approval of the chief inspector of workshops, factories and public buildings, or building inspector or commissioner in cities having building inspection departments.

TITLE 8. STANDARD FIREPROOF HEATER ROOM.

Where fireproof apartments are required for the heating apparatus, the furnace or boiler, including the breeching, fuel room and firing space shall be enclosed by brick walls not less than twelve (12) inches thick or by monolithic concrete walls not less than eight (8) inches thick; and the ceiling over the same shall not be less than the following, reinforced concrete slab four (4) inches thick, brick arches four (4) inches thick covered with one (1) inch of cement mortar and supported by fireproof steel with the

Dimensions.

necessary tie rods, or by hollow tile arches six (6) inches thick covered with two (2) inches of concrete, plastered on the under side and supported by fireproof steel with the necessary tie rods.

All openings into the above apartments shall be covered by standard self-closing fire doors.

TITLE 9.

STANDARD ENCLOSED FIREPROOF STAIRWAYS.

lection 12600-122. SECTION 1. WHERE USED.

Standard enclosed fireproof stairways shall be used as one means of egress from the second story of school buildings of A grade; may be used in place of fire escapes for theaters, and in place of the ordinary service stairways and fire escapes for all other buildings.

lection 12600-123. SECTION 2. GENERAL CONSTRUCTION.

These stairways shall be enclosed by fireproof walls, ceilings and floors (see part 3, title 2) and the doors leading to the same need not be fireproof, all landings and platforms shall be of brick or hollow tile arches, stone or reinforced concrete; and all steps shall be of either reinforced concrete or of stone laid with an absolutely tight cement joint.

Stairways shall be provided with a sufficient number of windows, transoms or sash doors to properly light the same, and such windows, transoms or doors shall be placed in the external walls of the building.

Specifications.

Platforms, landings and treads shall be finished with a roughened surface.

The same enclosure may be used for two or more stairways, providing there is no direct connection between any two stairways or stories, and such divisions are constructed of incombustible material.

Or, the same stairway may be used for two or more stories, providing entrance to the same at each story or tier is gained by an exit door leading to an open balcony or platform placed beyond the wall of the building, from which platform or balcony an exit door shall lead directly to the enclosed fireproof stairway.

The traveling distance between the above doors shall be not less than five (5) feet.

The above platforms or balconies may be constructed according to either the B, C or D standard fire escape requirements or shall be built of fireproof materials and be enclosed by a substantial railing not less than three (3) feet high made of incombustible material.

Section 12600-124. SECTION 3. DETAILED CONSTRUCTION.

Stairways shall be of the width as required for exits; and be constructed and equipped the same as called for, for stairways under the various titles of part 2 unless otherwise above mentioned.

Section 12600-125. SECTION 4. GRADE LINE DOORS.

Exit doors shall be placed at the grade line platform, the width of which shall be equal to the greatest width of the stairway, and such doors shall open onto streets or alleys or to open courts leading to public highways.

Section 12600-126. SECTION 5. INCUMBRANCES.

Enclosed fireproof stairways shall be kept free from incumbrances or obstructions at all times, and all courts or passageways leading from the enclosed fireproof stairs to public highways shall not be used for storage or any other purpose whatsoever, except for means of egress or ingress.

TITLE 10.

STANDARD VENTILATING STOVES.

Section 12600-127. SECTION 1. STOVE.

A standard ventilating stove may be any style or design of heating stove, placed within the room to be warmed and ventilated, and shall be enclosed in a jacket made of galvanized or black iron. Jacket shall extend from the stove tray to a point four (4) inches above the top of the stove.

Section 12600-128. SECTION 2. FRESH AIR SUPPLY.

Fresh air supply shall be taken from outside the building, be carried to the stove below the floor line either in vitrified sewer pipe, masonry ducts, or ducts made of wrought iron or steel of not less than three-sixteenths (3-16) inch in thickness, riveted together with tight joints.

Ducts shall be turned up and discharged under the center of the stove, from which point the air shall ascend between the radiating surface of the stove and jacket, and enter the room from the top of the stove.

Section 12600-129. SECTION 3. TRAY.

Stove shall be placed on a cast iron tray raised three (3) inches above the floor line, of the same size as the enclosing jacket, provided with an opening of proper size to receive the fresh air duct and projecting beyond the stove

door one (1) foot in all directions. Stove door shall be provided with a metal collar extending from the face of the stove to the face of the jacket.

Section 12600-130. SECTION 4. SMOKE PIPE.

No smoke pipe connection between the stove and the smoke flue shall be more than five (5) feet long, measuring horizontally.

Section 12600-131. SECTION 5. VENTILATION.

Each room in which a standard ventilating stove is installed shall be provided with a ventilating flue placed close to the stove.

The vent flue shall be of the same area as the fresh air supply and run through and above the roof. Vent flues of not over one hundred and fifty (150) square inches of area shall be enclosed with walls of brick or concrete not less than four (4) inches thick, and vent flues of a larger area shall be made of brick walls not less than eight (8) inches thick, brick walls four (4) inches thick lined with tile flue lining, or monolithic concrete walls not less than four (4) inches thick.

Openings to vent flues shall be placed at the floor line, and if vent registers are used the same shall be fifty (50) per cent. larger than the area of the flue.

TITLE 11.

STANDARD STAND PIPES AND HOSE.

Section 12600-132. SECTION 1. STANDARD STAND PIPES.

Specifications.

Where the vertical rise of stand pipes is forty (40) feet and less, stand pipes shall be not less than two (2) inches in diameter; over forty (40) and less than sixty (60) feet, two and one-half (2½) inches; over sixty (60) and less than seventy-five (75) feet, not less than three (3) inches; over seventy-five and less than one hundred (100) feet, not less than four (4) inches.

Stand pipes shall connect with city water mains through cast iron pipes at least one (1) inch greater in diameter than the riser.

The size of said connections shall be increased one-half (½) inch in diameter for each additional riser over one.

At the top of each stand pipe there shall be provided a one-eighth (⅛) inch pet cock for testing purposes.

Section 12600-133. SECTION 2. STANDARD HOSE.

Hose shall be of unlined linen, not less than one and one-half (1½) inches in diameter, with smooth bore brass

nozzle at least twelve (12) inches long and having a five-eighths (5/8) inch discharge.

Hose lengths shall be not greater than seventy-five (75) feet, and when hose of the above lengths will not reach the extreme portions of the story, then additional stand pipes and hose shall be provided.

Hose shall be attached to two (2) inch outlets with heavy wheel valves, and be provided with substantial swinging hose racks and be connected up, be kept in good repair and working order, and always ready for immediate use.

TITLE 12.

STANDARD FIRE EXTINGUISHERS.

Section 12600-134. SECTION 1. THREE-GALLON CHEMICAL FIRE EXTINGUISHERS.

A. CAPACITY. Extinguishers shall be of a capacity of not less than three (3) gallons, nor more than three (3) gallons four (4) ounces to lower edge of collar, and not less than two and one-half (2½) gallons nor more than two and one-half (2½) gallons four (4) ounces to the filling indicator.

B. SHELL. The cylinder shall be not less than number eighteen (18) B. and S. gauge hard copper, dome and bottom to show at least number seventeen (17) B. and S. gauge in all parts after re-spinning.

Shell shall be safe against distortion or strain with three hundred and fifty (350) pounds hydrostatic pressure held for one minute. Each shell shall be so tested and marked before shipment.

Openings for cast fittings shall fit close, and inside of shell shall fit close to flanges of fittings.

Shell shall have stiffening ring at lower edge.

Fitting indicator shall be of metal.

Specifications.

Riveted and beaded seams if used, shall be thoroughly sweated, and rivet holes accurately punched to meet and avoid buckling of the sheets. Both laps of beaded seams shall fit each other and be proportioned to be sprung together before soldering.

C. COLLAR. The inside diameter of collar shall be not less than two and one-half (2½) inches in the clear, and be of sufficient height to prevent cap from reaching the dome with the gasket removed.

D. CAP. Caps shall screw to the collar, and threads be protected against exposure to the contents of the extinguisher.

A gasket not less than one-sixteenth (1-16) inch thick nor less than five-sixteenths (5-16) inches wide shall be used at the joint and fit the recess snugly.

Caps shall have four or five threads holding.

Cap shall be made of hard red brass and have ample metal back of gasket recess.

Cap shall have a ring form of handle about six (6) inches in diameter. Casting shall allow one (1) inch clearance between the upper surface of the cap and the lower surface of the ring, and the finished cap when coated, but without the cage attached, shall weigh about two (2) pounds.

E. OUTLETS. The outlet casting shall have not less than one-quarter (¼) inch internal diameter at any point and not less than three-thirty-seconds (3-32) inch wall.

Hose connection to outlet casting shall be so designed that the hose may be detached and replaced without liability of injury to hose or obstruction of stream.

The outlet shall be located midway between the center of the top handle and the center of the labels.

Distance between the ring casting and outer surface of outlet casting shall be not more than one (1) inch.

Outlet shall be screened with a brass netting or perforated plate, heavily coated.

F. COATING. The shell, collar, cap, outlet and hose coupling except threaded surfaces, shall be heavily, evenly and completely coated on the inside at the factory with an alloy of tin and lead.

Joints and rivets, if any, shall be covered so as to form a smooth interior surface.

G. HANDLES. A ring form of handle shall be used on cap.

Bottom handle shall allow not less than one and one-eighth (1⅛) inch free clearance for the hand, and side handle not less than three and one-half (3½) inches free clearance in width.

Bottom handle shall be parallel with the top handle, not to rely entirely on solder as a fastening, and shall be rigid, not hinged.

Top handle shall be diametrically opposite direction plates, securely riveted and soldered to shell not extending through it.

It should preferably be cast, formed to fit the contour of the shell where it is riveted, and shall be strong enough to allow a lever to be used between it and the ring on the cap in case the cap is tightly stuck.

H. CAGE. The cage shall support the bottle at the bottom, and be arranged to allow ready removal and replacement of the bottle without danger of dropping the bottle or spilling the acid.

Specifications.

Cage shall not rely entirely on solder for securing parts.

All joints and connections shall be mechanically secured without solder and then be soldered for protection against corrosion and the whole cage heavily coated with alloy of lead and tin.

Cage shall have no sharp corners or projections which can mar the collar casting as the cage passes through.

Cage shall fit the bottle loosely and hold the bottle in place when inverted.

Cages depending upon movable parts in discharging extinguishers and cages supporting bottle by the neck shall not be used.

I. BOTTLE. The acid line shall be blown in or etched on the glass and be accurately placed.

J. HOSE. Hose shall be of three-ply rubber capable of withstanding a hydrostatic pressure of four hundred (400) pounds to the square inch held for five minutes.

Hose shall be so attached to the outlet that coupling will withstand a hydrostatic pressure of three hundred and fifty (350) pounds per square inch held for one minute.

Hose shall be attached to hang vertically and so that it can be readily removed and replaced when necessary.

Hose shall be of such a length that when hanging vertically, tip of nozzle will just clear any plain surface on which the extinguisher is placed.

K. NOZZLE. The nozzle shall be of such material as will not be affected by corrosion, and be cast free from blow holes, checks or other imperfections, interior to be finished smooth and be tapered toward outlet.

The discharge opening shall be not less than one-eighth (1/8) inch nor more than three-sixteenths (3-16) inch in diameter, preferably drilled straight for about three-sixteenths (3-16) inch back from outlet and chamfered.

L. CHEMICAL CHARGE. Sulphuric acid and bicarbonate of soda shall be in such proportions that a pressure cannot be obtained in excess of three hundred and twenty-five (325) pounds, with soda solution at one hundred and twenty (120) degrees Fahr.

Stream shall not show acid reaction.

The charge shall be composed of from one and one-quarter (1¼) to one and one-half (1½) pounds bicarbonate of soda, and three and one-half (3½) to four (4) ounces fluid measure sulphuric acid.

M. MARKING. Directions for operating shall be plainly and permanently fixed on the side of the shell opposite the top handle, and so as not to be back of the hose.

Letters shall not be less than one-half (½) inch in height and of a different color than the background.

Directions for recharging.

Directions for recharging shall be plainly and permanently fixed on the side of the shell directly under the directions for operating. These shall state that the extinguisher if not used for a fire, shall be discharged and recharged at least once a year and record of the same kept on a card attached to the extinguisher. They shall also state that whenever the extinguisher is discharged it shall be entirely emptied and be thoroughly cleaned before refilling, and that the extinguisher shall be protected from frost.

Cards shall be of linen, sized and attached to the upper handle by brass wire or ring, or be set in a metal frame soldered to the shell.

N. IN GENERAL. Extinguishers shall be constructed and finished in a thoroughly workmanlike manner, to have as few parts as possible, to be free from moving parts sub-

ject to corrosion, and shall not be equipped with shut-off valves.

The acid shall be applied slowly.

The extinguisher shall be so designed and proportioned that the maximum pressure will be reached in from twenty-five (25) to thirty-five (35) seconds and so as not to exhaust the liquid in stream under from fifty (50) to sixty-five (65) seconds, the solution being at ordinary temperature.

See section 2—barrels of salt water, and section 3—pails of sand.

ection 12600-135. SECTION 2. BARRELS OF SALT WATER.

In buildings not kept heated at all times during cold weather, barrels of salt water may be used in place of three-gallon chemical fire extinguishers. Standard barrels thirty-one and one-half (31½) gallons shall be used and be provided in the proportion of one (1) barrel to each two thousand (2000) square feet of floor area or less. Barrels shall be kept filled to within four (4) inches of top with strong salt water, and each barrel shall be provided with two (2) round-bottom buckets placed on a shelf immediately over the barrel. Buckets and barrel shall be marked "For fire only" in red letters not less than two (2) inches high. Number.

Barrels shall be prominently exposed to view and always accessible.

ection 12600-136. SECTION 3. SAND PAILS.

Sand pails shall be provided in addition to three (3) gallon chemical fire extinguishers or barrels of salt water in rooms where painting, varnishing, dipping and japanning are done, or where oil is handled. Pails shall be of not less than three (3) gallon capacity and the same shall be kept filled at all times with sand. Number and capacity.

Pails shall be provided in the proportion of one (1) pail to each three hundred and twenty-five (325) square feet of floor area or less.

Each pail shall be marked in red letters not less than two (2) inches high "For fire only."

Pails shall be placed on shelves within easy reach, be equally distributed over the area of the room, be prominently exposed to view and always accessible.

OHIO STATE BUILDING CODE.

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PART 4.

SANITATION.

TITLE 1.

SIZE OF PIPES.

ection 12600-137. SECTION 1. SIZE OF HOUSE DRAINS, SOIL AND WASTE PIPE STACKS, MAINS AND BRANCHES.

Twenty (20) square feet of roof or yard area in horizontal projection counts as one fixture.

Three feet of urinal trough or wash sink counts as one fixture.

One bath, basin or sink or smaller fixture counts as one fixture.

One pedestal urinal or slop hopper sink counts as two fixtures.

One water closet counts as four fixtures.

Dimensions given refer to the inside diameter.

MAXIMUM NUMBER OF FIXTURES CONNECTED TO

Size of Pipe.	Waste Soil and Waste Combine.		Soil Pipe Alone.	
	Branch.	Main.	Branch.	Main.
1¼"	1 fixture	1 fixture		
1½"	2 fixtures	2 fixtures		
2"	3 fixtures	4 fixtures		
3"	4 fixtures	8 fixtures	1 water closet	2 water closets
4"	32 fixtures	64 fixtures	8 water closets	16 water closets
5"	72 fixtures	144 fixtures	18 water closets	36 water closets
6"	144 fixtures	288 fixtures	36 water closets	72 water closets
7"	252 fixtures	504 fixtures	63 water closets	126 water closets
8"	420 fixtures	840 fixtures	105 water closets	210 water closets

Specifications.

Providing that the number of water closets on any soil pipe, with or without other fixtures, shall never exceed the number given in either of the last two columns.

Where it is impractical to use four (4) inch soil pipe for water closets, three (3) inch soil pipe may be used for vertical stacks, and shall conform with the number of fixtures in the above table. If earthenware drains or sewers are used the diameter of the pipe shall be increased one size over the above "table."

Section 12600-138. SECTION 2. SIZE OF FIXTURES, TRAPS AND WASTES.

The size (inside diameter) of the trap and waste branches for a given fixture shall never be less than the following:

Kind of Fixtures.	Size in Inches.	
	Trap.	Branch.
Water closet	2¼	3
Slop sink with trap combined	3	3
Slop sink ordinary	2	2
Pedestal urinal	3	3
Floor drains or wash	3	3
Yard drains or catch basins	3	3
Urinal trough	2	2

Kind of Fixtures.	Size in Inches.	
	Trap.	Branch.
Laundry tub	1½	1½
Kitchen sinks (Residence)	1¼	1¼
Kitchen sinks (large), hotels or public	2	2
Pantry or bar sinks	1¼	1¼
Pantry sinks (large), hotels or public	1½	1½
Wash basins, one only	1¼	1¼
Bath tubs	1½	1½
Shower baths	2	2
Sitz bath	1½	1½
Safe wastes and drips	1	1
Drinking fountains	1¼	1¼
Fountain cuspidors	1¼	1¼

ection 12600-139. SECTION 3. SIZE OF VENT PIPE STACKS.

The following table gives the size of vent pipes and the maximum number of fixtures that they shall serve.

Specifications.

Size of Pipe.	Number of Traps 1½" or Less	Number of Traps 2".	Number of Water Closets.
1½" pipe	3	1	
2 " pipe	12	6	3 or less
2½" pipe	24	12	6
3 " pipe	48	24	12
3½" pipe	100	50	25
4 " pipe	160	80	40

For five (5) inch traps and over the vent shall be one-half the diameter of the trap.

Vent pipes shall be increased in size every thirty (30) feet of their length.

ection 12600-140. SECTION 4. SIZE OF LOCAL VENT PIPE STACKS.

In the following table the unit of a local vent for a single water closet, pedestal urinal, urinal bowl, slop hopper or sink, and to each three feet of urinal trough or gutter shall be a two (2) inch pipe.

Size of Pipe.	Maximum developed length in feet.	Number of Closets Vented.	
	Mains.	Branches.	Main Vertical Part.
2″	40	1	1
3″	100	3	6
4″	150	6	12
5″	200	10	20
6″	250	16	32
7″	300	23	46
8″	350	32	64
9″	400	42	84
10″	450	56	112
11″	500	72	144
12″	550	90	180

The dimensions given refer to the inside diameter of pipe.

Where the number of fixtures exceeds the limit of the tables, sizes and lengths shall be increased in corresponding ratio.

TITLE 2.

MATERIALS, QUALITY AND WEIGHTS.

Section 12600-141.

SECTION 1. EARTHENWARE PIPE.

Pipes and fittings.

QUALITY OF PIPE. All earthenware pipe and fittings shall be of the hub or spigot pattern, cylindrical in section, thoroughly vitrified through the thickness of the pipe, and thoroughly salt glazed over the entire inner and outer surfaces. Each length shall be of a uniform caliber, smooth bore throughout, without twist or wind, and free from fire cracks, blisters, flaws or other defects.

Earthenware pipe used for tile drains shall be without hub or socket, and can be either cylindrical or D shaped in section.

Section 12600-142.

SECTION 2. CAST IRON PIPE.

A. QUALITY OF PIPE. All cast iron pipe and fittings shall be sound, cylindrical and smooth, free from cracks, sand holes and other defects of a uniform thickness and not lighter than the commercial grade known as "extra heavy."

B. WEIGHTS OF CAST IRON PIPE. Pipe shall not weigh less than the following per lineal foot, which weights include the hubs.

Diameter of Pipe.	Weights Per Foot.
2-inch	5½ pounds
3-inch	9½ pounds
4-inch	13 pounds
5-inch	17 pounds
6-inch	20 pounds
7-inch	27 pounds
8-inch	33½ pounds

C. COATING FOR CAST IRON PIPES AND FITTINGS. All pipe shall be coated at the factory for underground use with asphaltum or coal tar pitch. Specifications.

Pipes and fittings above ground may be plain or coated with asphaltum or coal tar pitch.

Section 12600-143. SECTION 3. WROUGHT IRON PIPE.

A. THICKNESS AND WEIGHT OF PIPE. All wrought iron pipe must be of standard lap welded pipe of not less than the following thickness and weights:

Diameter.	Thickness.	Weight Per Lineal Foot
1½ inches	.14 inches	2.68 pounds
2 inches	.15 inches	3.61 pounds
2½ inches	.20 inches	5.74 pounds
3 inches	.21 inches	7.54 pounds
3½ inches	.22 inches	9.00 pounds
4 inches	.23 inches	10.66 pounds
4½ inches	.24 inches	12.34 pounds
5 inches	.25 inches	14.50 pounds
6 inches	.28 inches	18.76 pounds
7 inches	.30 inches	23.27 pounds
8 inches	.32 inches	28.18 pounds

B. QUALITY AND COATING OF PIPE AND FITTINGS. All wrought iron pipe used for soil, waste and vent pipes shall be galvanized malleable iron, and the malleable fittings galvanized, the cast iron fittings galvanized or coated with asphaltum or coal tar pitch.

The fittings for wrought iron waste, soil and refrigerator wastes shall be of cast or malleable iron, or brass recessed drainage fittings with smooth interior waterway and

threads tapped out of solid metal, so as to give a uniform grade to branches of not less than one-fourth (¼) of an inch per foot.

Threaded fittings for vents and back vents two (2) inches, or less shall be galvanized malleable iron.

Fittings of larger dimensions shall be brass galvanized malleable iron, or cast iron, galvanized or coated with asphaltum or coal tar pitch.

Section 12600-144. SECTION 4. LEAD PIPE.

WEIGHTS OF LEAD PIPE. All pipe used for branch soil, waste, vent or flush pipes shall be of best quality of drawn pipe, of not less weight per lineal foot than shown in the following tables:

Lead branch soil, waste, vent or flush pipes including bends and traps.

Specifications.

Internal Diameter	Weights Per Foot.
1 inch	1 lb. 8 oz.
1¼ inch	2 lb. 8 oz.
1½ inch	3 lb. 8 oz.
2 inch	4 lb. 0 oz.
3 inch	6 lb. 0 oz.
4 inch	8 lb. 0 oz.

Section 12600-145. SECTION 5. BRASS PIPE AND FITTINGS.

Brass pipe for soil, waste and vent pipes shall be thoroughly annealed, seamless drawn or brazed tubing having weight and outside diameter of not less than the following:

Nominal Diameter	Gauge No. B. & S.	Thickness.	Weight.
1¼"	12	5-64"	1.08 lbs.
1½"	12	5-64"	1.32 lbs.
2 "	12	5-64"	1.79 lbs.
2½"	10	7-64"	2.82 lbs.
3 "	10	7-64"	3.41 lbs.
4 "	8	1-8 "	5.74 lbs.
5 "	8	1-8 "	7.22 lbs.
6 "	8	1-8 "	8.71 lbs.

For flush and local vents No. 18 gauge may be used. Drawn tubing only shall be used for the larger sizes, two and one-half (2½) inches to six (6) inches, and brazed tubing may be used for the smaller sizes, one and one-quarter

(1¼) to two (2) inches. Brass fittings shall be good quality cast brass having a thickness in their walls not less than the tabular thickness given above for the corresponding brass pipe. The thickness of the tapped ends to be one and one-half (1½) times the thickness of the corresponding pipe.

Section 12600-146. SECTION 6. SHEET LEAD.

Sheet lead for roof flashing shall not weigh less than three (3) pounds per square foot, and shall extend not less than six (6) inches from the pipe and the joint shall be made water tight.

Section 12600-147. SECTION 7. COPPER.

Copper tubing when used for inside roof conductors or leader connections shall be seamless drawn tubing, not less than number fourteen (14) B. & S. gauge; and when copper is used for roof conductor or leader flashings it shall be not less than number eighteen (18) gauge, and for local vents and interior ventilating pipe, spiral or gauge number twenty-six (26).

TITLE 3.

JOINTS AND CONNECTIONS.

Section 12600-148. SECTION 1. WATER AND AIR TIGHT JOINTS.

All joints and connections mentioned under this title shall be made gas and water tight.

Section 12600-149. SECTION 2. EARTHENWARE PIPES.

Joints between the hub and spigot shall be half filled with a gasket of oakum and then by finishing the joint with mortar made of one (1) part fresh Portland cement and two (2) parts clean sharp sand.

Each joint shall be carefully banked, wiped and cleaned.

Section 12600-150. SECTION 3. EARTHENWARE TO IRON PIPES.

Underground joints between earthenware and iron pipe shall be made the same as above required for earthenware pipe.

Section 12600-151. SECTION 4. CAST IRON PIPES.

All joints in cast iron pipe shall be made with pure lead well calked, not less than one (1) inch deep, and no paint, varnish or putty will be allowed until the joints have been tested. Calking.

Oakum or other efficient method shall be used to prevent the lead from running through the joint.

Section 12600-152. SECTION 5. WROUGHT IRON AND BRASS.

Joints in galvanized iron or brass pipe shall be standard screw joints, and all burs or cuttings shall be removed. All joints shall be made up of white or red lead or mineral paint.

Section 12600-153. SECTION 6. WROUGHT IRON AND BRASS TO CAST IRON.

Connections.

Connections between wrought iron or brass to cast iron shall be either a calked joint (section 4) or screwed joint (section 5). All unions used on the sewer side of traps shall be ground faced and shall not be concealed or enclosed. No slip joint connection will be allowed on the sewer side of the trap.

Section 12600-154. SECTION 7. LEAD PIPE.

Joints in one end pipe, or between lead pipes and pipes of brass or copper shall in all cases be full wiped joints.

Section 12600-155. SECTION 8. LEAD TO IRON PIPE.

Joints. Ferrules.

Joints between lead and iron pipes shall be made by extra heavy cast or drawn screw nipple, with either a calked joint or a soldered nipple with a threaded joint or approved concaved brass bushings. Ferrules shall be made of best quality of red brass not less than four and one-half (4½) inches long nor less than one-eighth (⅛) of an inch in thickness where a round joint is made. Where cup or similar ferrules are used they shall extend not less than one-quarter (¼) inch above the hub.

Section 12600-156. SECTION 9. EARTHENWARE WITH METAL FLOOR CONNECTIONS.

Fixtures.

Fixtures with earthenware traps connected directly with soil or waste pipes shall have a solid brass floor plate, not less than three-sixteenths (3-16) of an inch thick, soldered to the lead bend or pipe, and screwed to the floor where joist are of wood, and where brass or iron is used, screwed to the same, and bolted to the trap flange. Joint shall be made gas tight with an asbestos graphite ring, asbestos string gasket, washer, red or white lead, or perfect screw joint.

In wooden joist construction the connection between the earthenware and soil pipe shall have a suitable length of lead pipe between the wiped joint and the under side of the floor.

Section 12600-157. SECTION 10. INCREASERS AND REDUCERS.

Where different sizes of pipe or pipes and fittings are

to be connected, proper size increasers or reducers, pitched to an angle of forty-five (45) degrees between the two sizes shall be used.

Section 12600-158. SECTION 11. PROHIBITED JOINTS.

Any fitting or connection which has or forms an enlargement, chamber or recess with a ledge, shoulder or reduction of the pipe area in the direction of the flow on the outlet or drain side of any trap, are prohibited.

Section 12600-159. SECTION 12. EXPANSION BOLTS.

Connections or hangers, pipe supports or fixtures settings with masonry or stone backing shall be made with expansion bolts without the use of wood plugs.

TITLE 4.

TRAPS AND CLEANOUTS.

Section 12600-160. SECTION 1. TRAPS.

A. WHERE USED. Each single fixture, except those wasting as prescribed under title No. 11, shall be separately trapped by a water seal trap, placed as close to the fixture as possible.

B. KIND OF TRAPS. Every trap shall be self-cleaning. Self-cleaning.
No form of trap which depends upon the action of movable parts for its seal shall be used. No trap which depends upon concealed interior partitions for its seal of which has an interior partition that, in case of defect, would allow the passage of sewer air, shall be used.

Every drum trap shall be so installed that the water seal will protect the trap screw from sewer air.

Traps for bath tubs, basins, sinks, or other similar fixtures shall be made of lead, brass or of iron enameled inside.

C. WATER SEAL. Each trap shall have a water seal of not less than two (2) inches.

D. CLEANOUTS AND VENT CONNECTIONS. Each trap except those in combination with fixtures where the trap seal is plainly visible and accessible shall be provided with a brass trap screw.

Traps placed between the floor shall have a brass trap screw for cleaning, in plain view or flush with the floor, or readily accessible from or under the floor.

E. TRAPS LEVEL AND A PROTECTION. All traps shall be rigidly supported and set true with respect to their water level, and shall be so located as to protect their seals.

F. TRAPS PROHIBITED ON DRAINS. There shall be no trap at the foot of soil or waste pipes upon the house drain or house sewer except where one sink drain or sewer is

used exclusively for conducting rain water or surface water to a house drain or sewer.

G. WASTE OTHER FIXTURES TO WATER CLOSET. TRAP PROHIBITED. In no case shall the waste from a bath tub or other fixture be connected with a water closet trap.

H. OVERFLOW CONNECTIONS. Overflow pipes from fixtures shall in each case be connected on the inlet side of the trap.

I. CELLAR DRAINS. Cellar drains will be permitted only when they connect to a trap with a permanent water seal.

Section 12600-161. SECTION 2. CLEANOUTS.

A. SIZE. Cleanouts shall be the same size as the pipe up to four (4) inches in diameter, and not less than four (4) inches for larger pipe or traps.

Cleanouts shall be at least four (4) inches long with air tight screw joints made of brass.

Specifications. B. WHERE REQUIRED. Cleanouts shall be provided as follows, at the foot of all vertical lines of soil pipe, and at the end of each horizontal line, distance between the cleanouts shall not exceed fifty (50) feet.

There shall be at least two (2) four (4) inch cleanouts provided in the house drain; one made with a full size Y branch just inside of the wall near the house drain and the house sewer connection, and the second near the end of the house drain, or at the base of the soil or waste stacks. Intermediate cleanouts may be made with Ts.

Any vertical soil, waste or vent pipe having an open and readily accessible from the roof and without change of direction in its entire length shall not be required to be provided with a cleanout other than at its base.

C. MANHOLES. All underground traps and cleanouts inside of a building, except where the cleanout caps are flush with the cellar floor, shall be made accessible by manholes with proper metallic covers, and all exterior underground traps with inaccessible cleanouts shall also be placed in manholes.

D. LOCATION. All traps and cleanouts shall be located so as to be easily accessible for cleaning.

TITLE 5.

GENERAL REGULATIONS.

Section 12600-162. SECTION 1. GRADE OF HORIZONTAL PIPES.

All horizontal piping shall be run in practical alignment and at a uniform grade of one-half (½) inch per foot when possible, but in no case shall the grade be less than one-quarter (¼) of an inch to one (1) foot for soil or waste pipes, and house drains suspended by iron hangers upon piers, posts or wall ledges; and not less than one-

eighth (1/8) of an inch per foot for vent or ventilating pipes, house sewers and underground drains.

Section 12600-163. SECTION 2. CHANGE OF DIRECTION.

All drainage and plumbing pipes shall be rigidly secured or supported to keep their alignment and grade, and all changes of directions, either horizontal or vertical, shall be made with appropriate use of forty-five (45) degrees "Ys," half "Ys," sanitary "Ys," long sweep quarter, sixth, eighth or sixteenth bends, with short nipples when screw joints are used.

Increase or reductions in size shall be made by the use of a proper fitting.

Every vertical line of soil or waste pipe shall have no less than eighteen (18) inches of iron pipe, run horizontally at its base.

Section 12600-164. SECTION 3. PROHIBITED FITTINGS.

No double hub, double T, Y or sanitary T branches shall be used on horizontal runs, nor shall double hubs or straight crosses be used on the soil or waste pipe.

Section 12600-165. SECTION 4. OFFSETS IN MAINS.

Offsets in the mains of all stacks shall be avoided if possible, but when unavoidable they shall be made with forty-five (45) degree fittings, if possible.

Section 12600-166. SECTION 5. DEAD ENDS.

In the installation of any plumbing system, all dead ends in pipes shall be avoided.

Section 12600-167. SECTION 6. DRAINAGE EXCAVATION.

All excavations required to be made for the installation of a house drainage system, or any part thereof, within the walls of a building, shall be open trench work. All such trenches shall be kept open until the piping has been inspected.

Parties in charge of the work shall notify the inspector twenty-four (24) hours before work is ready for inspection, failure of the inspector to inspect the same at the time notified shall allow the party in charge to proceed with the work.

Section 12600-168. SECTION 7. SEPARATE TRENCHES.

Each system of piping shall be laid in a separate trench, except sanitary and surface sewers may be laid in the same trench.

Trenches may be benched eighteen (18) inches for lighter pipes if not in violation of any city ordinance.

Section 12600-169. SECTION 8. RELIEVING ARCHES.

Where pipes pass under walls the same shall, if possible, be placed under openings, and in all cases where pipes pass under or through walls they shall be provided with a relieving arch or lintel.

Section 12600-170. SECTION 9. STACK SUPPORTS.

All free standing stacks shall be thoroughly supported on concrete or masonry piers at their base, and those forty (40) feet or more in height shall also be provided with foot rests at their base and also with floor rests, or supports at every ten (10) feet intervals.

Specifications.

The pipe supports according to their location shall be made either with heavy iron posts, hangers, wall brackets or steel fittings, concrete or masonry piers, provided that no brick pier shall be less than eight (8) brick square. The use of pipe hooks shall be prohibited for larger than one-half (½) inch pipes.

TITLE 6.

HOUSE SEWERAGE AND DRAINS.

Section 12600-171. SECTION 1. INDEPENDENT SYSTEM.

The drainage and plumbing system of each new building or new work installed in an existing building shall be entirely separate and independent of that of any other building, except as provided in section 2; and wherever available every building shall have an independent connection with a public or private sewer.

Section 12600-172. SECTION 2. EXCEPTIONS PERMISSIBLE.

Where one building stands in the rear of another on an interior lot, and no private sewer is available, or can be made for the rear building, through an adjoining alley, court, yard or driveway, the house drain from the front building may be extended to the rear building and the whole will be considered as one house drain.

Section 12600-173. SECTION 3. CONNECTIONS WITH CESSPOOLS.

When a sewer is not available, drain pipes from buildings may be connected with cess pools or receiving vaults as prescribed in Title 16 of this code, provided, however, that no water closet shall be connected to a leaching cesspool.

Under the various titles of Part 2, where a sewerage system is mentioned, the same is meant to include either a public sewerage system or a private sewerage system connected with a cesspool or receiving vault.

Section 12600-174. SECTION 4. OLD HOUSE SEWERS.

Old house drains may be used in connection with new buildings, or new plumbing, only when they are found, on examination and test, to conform in all respects to the requirements governing new sewers or drains, as prescribed in this code.

If the old work is found defective, the inspector shall notify the owner to make the necessary changes to conform with this code.

Section 12600-175. SECTION 5. HOUSE DRAINS UNDER GROUND.

All house drains shall, wherever possible, be brought into the building under ground below the level of the basement or cellar floor.

Section 12600-176. SECTION 6. KIND OF PIPE.

All house drains shall be of extra heavy cast iron pipe, with well leaded and calked joints, or of earthenware pipe jointed with mortar composed of one part best Portland cement and one part clean, sharp sand.

Section 12600-177. SECTION 7. DRAINS TO CURB.

Where there is no sewer accessible the drainage of surface inlets and rain water conductors, shall be drained separately to the curb line where practicable by drain pipes not less than four (4) inches in diameter and discharge into the public gutter, unless otherwise permitted by the proper authority.

Section 12600-178. SECTION 8. HOUSE SEWER.

The drain containing the house sewer, beginning three (3) to five (5) feet outside the building wall, shall consist of iron pipe or of earthenware pipe not less than the size of the slant or opening in the main sewer.

They shall not be laid closer than three feet to any exterior wall, cellar, basement, well or cistern, or less than two (2) feet deep. Change in direction shall be made with long curves, one-eighth (⅛) bends or Ys.

TITLE 7.

YARD, SUBSOIL AND OTHER DRAINS.

Section 12600-179. SECTION 1. DRAINAGE OF YARDS AND AREAS.

When yard and area drains are connected with the house drains each shall be effectually trapped; or, the various drains from the yards and areas may be connected together and be controlled by a single trap.

Traps shall be installed for drains which connect directly with a sewer intended to carry surface water.

Section 12600-180. SECTION 2. EARTHENWARE YARD DRAINS.

Barn, stable, yard and roof leader drains may be of earthenware and all such drains shall be trapped and connected with the house sewer outside of the house drain connection.

No earthenware yard drain, or drains from kitchen sinks shall be less than four (4) inches.

Overflow pipes from cisterns shall not connect directly with any house sewer.

Section 12600-181. SECTION 3. SUBSOIL DRAINS.

Where subsoil drains are placed under the cellar floor or used to encircle the outer walls of a building, the same shall be made of open jointed four (4) inch drain tile.

Open jointed drain tile shall be properly trapped before entering the house drain.

Section 12600-182. SECTION 4. BACK PRESSURE VALVES.

Where a floor or open jointed drain tile is connected to a house sewer or drain, each floor wash or connection shall be protected from back pressure by a gate or back pressure valve.

Section 12600-183. SECTION 5. EXHAUST, BLOW-OFFS AND DRIP PIPE CONNECTIONS.

Specifications. The exhaust, blow-off, sediment or drip pipe from a steam boiler shall not connect directly with any sewer, drain, soil or waste pipe. Such pipes shall discharge into the top and above the line of discharge of a suitable closed tank or condenser made of wrought or cast iron, provided with a relief pipe, of at least three (3) inches in diameter, extending to the outer air above the roof.

The waste from said tank or condenser, shall be taken from the bottom and be at least one size larger than the inlet, but not less than three (3) inches in diameter, and provided with a trap that has a seal of not less than twenty-four (24) inches and wherever possible shall connect to the house sewer and not to the house drain.

Section 12600-184. SECTION 6. HOT WATER DISCHARGE PROHIBITED.

Water heated to over one hundred and forty (140) degrees, Fahrenheit, shall not be allowed to enter any street sewer, drain or lateral.

Cooling device. When blow-off tanks discharge water at a higher temperature they shall be provided with a cooling device.

Section 12600-185. SECTION 7. ELEVATOR CONNECTIONS.

Tanks. All direct connected hydraulic elevators, lifts or pressure machines shall be provided with an intermediate tank of sufficient capacity as to discharge its waste without pres-

sure into any sewer, drain, soil or waste pipe. Such tanks shall be trapped and where there is danger of back pressure from sewer there shall be placed on its outlet side a sewer or back water valve.

TITLE 8.

ROOF CONDUCTORS AND LEADERS.

Section 12600-186. SECTION 1. CONDUCTORS NOT TO CONNECT.

The metallic conductors or roof leaders or downspout wastes, and the surface and ground water drains, wherever possible, shall be connected with a sewer, but they shall not be connected to house sewers, which discharge into sanitary sewers intended for the carriage of sewerage only.

Section 12600-187. SECTION 2. INSIDE CONDUCTORS AND ROOF LEADERS.

When placed within the walls of any building or run in an inner or interior court, or ventilating or pipe shaft, all conductors or roof leaders shall be constructed as prescribed for soil pipe.

Section 12600-188. SECTION 3. CONNECTIONS WITH CONDUCTORS PROHIBITED.

Conductor pipes shall not be used as soil, waste or vent pipes, nor shall any soil, waste or vent pipes be used as conductors.

Section 12600-189. SECTION 4. DEFECTIVE CONDUCTOR PIPES.

When an existing sheet metal conductor pipe within the walls of any building becomes defective such conductor shall be replaced by one which conforms to this code.

Section 12600-190. SECTION 5. OUTSIDE CONDUCTORS.

When outside conductors or downspouts of sheet metal are connected with the house drain, they shall be so connected by means of not less than one length of extra heavy cast iron pipe extending vertically at least four (4) feet above the grade line.

TITLE 9.

SOIL, WASTE AND VENT PIPES.

Section 12600-191. SECTION 1. MATERIAL USED.

All main and branch soil, waste, vent and back vent pipe shall be of iron, lead, brass or copper.

Section 12600-192. SECTION 2. WASTE PIPE STACKS.

The main waste pipe stack carrying a kitchen sink or

more than three (3) other fixtures shall not be less than two (2) inches in diameter.

Section 12600-193. SECTION 3. ROOF EXTENSIONS.

All soil and waste pipes receiving the discharge of any fixtures shall be extended the full calibre at least two (2) feet above the roof and at least five (5) feet when such roof is used for other purposes than weather covering the building.

In no case shall a vent pipe through the roof be less than four (4) inches.

Change in diameter shall be made by long increaser, at least one (1) foot below roof.

Section 12600-194. SECTION 4. ROOF JOINTS.

The joint at the roof shall be made water tight by the use of proper sheet copper or lead plate, with a sleeve not less than six (6) inches long made to fit the pipe tightly. Plate shall be not less than one foot six inches (1' 6") square.

Section 12600-195. SECTION 5. TERMINALS.

The roof terminals of all vent pipes shall be at least three (3) feet above any door, window, scuttle or air shaft when located at distances less than twelve (12) feet from such terminal.

Section 12600-196. SECTION 6. TERMINALS ADJOINING HIGH BUILDINGS.

No soil, waste or vent pipe extension of any new or existing building shall be run or placed on the outside of a wall, but shall be carried up in the inside to the roof.

In the event that a new building is built higher than an existing building, the owner of the new building shall not locate windows within twelve (12) feet of any existing vent stack on the lower building, unless the owner of such new building shall defray the expenses of, or shall himself make such alteration to conform with section 5, of this title.

Windows.

It shall be the duty of the owner of the lower or existing building to make such alteration therein upon the receipt in advance of money, or security therefor, sufficient for the purpose, from the owner of the new or higher building, or to permit at the election of the owner of the new or higher building the making of such alteration by the owner of said new or higher building.

Section 12600-197. SECTION 7. PROHIBITED CONNECTIONS.

In no case shall any fixture connection except water closets or similar fixtures be made to a lead bend.

No vent pipe shall be used as a waste or soil pipe.

:tion 12600-198. SECTION 8. BRANCH SOIL AND WASTE EXTENSIONS.

Any vertical branch rising more than ten (10) feet, or any lateral branch running more than twenty-five (25) feet from the main soil line, shall be continued full size to a point above the roof in the same manner as required for main soil pipes, or may be returned to main vent pipe full size.

:tion 12600-199. SECTION 9. VENTS—LENGTHS FROM TRAP.

The back vent of any fixture trap shall be as close to the traps as practicable consistent with its location and effectiveness. The developed length of the waste pipe of any fixture from its trap to the vent pipe shall not exceed twenty-four (24) inches.

tion 12600-200. SECTION 10. MAIN VENTS.

Every building in which water closets are installed shall have at least one four (4) inch soil pipe stack, extending through the roof.

All main vents shall be connected at their base to the main waste or soil pipe at or below the lowest branch of fixtures fitting, and shall be extended through and above the roof.

:ion 12600-201. SECTION 11. VENT PIPE GRADES AND CONNECTIONS.

All branch vent and back vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity.

On horizontal runs such connections shall be taken off above the center line as near the crown as possible and rise at least six (6) inches above such crown before being offset horizontally.

ion 12600-202. SECTION 12. BACK VENTS FOR FIXTURES.

Where bath rooms, water closets or other fixtures are located on opposite sides of a wall or partition, or are directly adjacent to each other in an inseparable dwelling, such fixtures may have a common soil or waste pipe and vent pipe stack.

on 12600-203. SECTION 13. TRAP BACK-VENTED.

Every fixture trap shall be protected from siphonage and air circulation assured by means of a vent or back-vent pipe.

on 12600-204. SECTION 14. BACK VENTING—WATER CLOSETS.

Every earthenware fixture with trap combined shall be unprovided with a back vent horn.

Back vent.

Every water closet, pedestal urinal and slop sink having a floor connection, shall be back vented from the soil or waste branch and preferably on the top of the branch. When connected with the vertical arm of a bend it shall be made above the top of the horizontal branch.

Section 12600-205.

SECTION 15. BACK VENTS—NOT REQUIRED.

A. Where two (2) water closets located on the same floor, discharge into a double Y or TY in a soil or waste stack, they need not be back vented if such fixtures do not exceed the three (3) foot limit, without other fixtures above them.

B. When two fixtures other than water closets discharge into a double Y or TY, and there are no other fixtures discharging above them said fixtures may be back vented through a common vent or back vent pipe.

C. No back vents shall be required on a back water trap, or sub-soil catch basin trap.

Section 12600-206.

SECTION 16. LOCATION OF FIXTURES.

No trapped plumbing fixtures shall be located in any room or apartment which does not contain a window placed in an external wall of the building or is not provided with a system of ventilation.

Compartments containing not more than four (4) water closets or their equivalent shall be located in an apartment containing windows placed in the external walls of the building or shall be provided with a mechanical means of ventilation which will change the air at a normal temperature at least six (6) times per hour.

Compartments containing more than four water closets or their equivalent shall be located either in an apartment containing windows and provided with a gravity or mechanical system of ventilation which will change the air at normal temperature not less than six (6) times per hour; or, may be placed in a compartment without windows in the external wall of the building, providing a mechanical system of ventilation is installed which will change the air at normal temperature not less than six (6) times per hour.

Ventilation in water closets.

Ventilation from toilet rooms shall be separated and distinct and have no connection whatever with the other ventilating ducts in the building.

TITLE 10.

REFRIGERATOR, SAFE AND SPECIAL WASTES.

Section 12600-207.

SECTION 1. REFRIGERATOR WASTES.

No waste pipe from a refrigerator, ice box, bar fixture, floor drains and soda fountains, or any other receptacle

where food is stored, shall connect directly with any sewer drain, soil or waste pipe. The waste pipe shall, in all cases, empty into an open sink that is properly connected, trapped and vented the same as other fixtures. The waste pipes shall not be less than one and one-half (1½) inches for one opening, and for two to six openings it must not be less than two (2) inches, and shall have at each opening a trap and shall have cleanout put on line and angles, so as to clear pipe, so arranged as to be properly flushed. Dimensions of waste pipes.

All waste pipes shall be continued full size through the roof.

This rule does not apply to any other fixture, nor will any other be allowed.

on 12600-208. SECTION 2. OVERFLOW PIPES.

The overflow pipes from a water supply tank shall not be directly connected with any drain, soil or waste pipe. Such pipe shall discharge upon the roof or be trapped into an open fixture and discharge.

on 12600-209. SECTION 3. URINAL SAFES.

Urinal platforms and safes shall not be directly connected with any drain, soil or waste pipe, except when used in combination with a urinal floor gutter.

The outlet of such gutter shall be provided with a brass strainer, a deep seal or drum trap and waste of not less than two (2) inches, with arrangements for flushing the same while in use. Outlets.

If such safe waste also serves as a floor waste outlet, the trap shall be at least three (3) inches in diameter.

on 12600-210. SECTION 4. KITCHEN WASTES.

Kitchen or other greasy wastes from hotels, restaurants, club houses, public institutions or other establishments in which much cooking is done or greasy wastes obtain, shall be intercepted by a catch basin or a grease trap, and then conducted to the house sewer.

on 12600-211. SECTION 5. STABLE WASTES.

All liquid wastes from barns, stables, manure pits and stable yards shall be intercepted before entering the sewer by a suitable catch basin, properly trapped. Said catch basin shall be provided with a vent not less than four (4) inches continued through the roof.

TITLE 11.

FIXTURES.

on 12600-212. SECTION 1. MATERIALS.

All receptacles uses of water closets, urinals or otherwise for the disposal of human excreta, shall be either vitri-

fied earthenware, hard natural stone or cast iron white porcelain enameled on inside. If cast iron is used, it shall be enameled or painted on the outside with at least three (3) coats of non-absorbent and non-corrosive paint.

Section 12600-213. SECTION 2. WATER CLOSET BOWLS.

The bowls and traps for water closets shall be made in one piece and of such shape and form as to hold a sufficient quantity of water when filled up to the trap overflow so as to completely submerge any matter deposited in them and properly flush and scour the soil pipe when the contents of the bowl are discharged, except that nothing in this section shall apply to latrine closets.

Section 12600-214. SECTION 3. VISIBLE TRAP SEAL.

All water closets, pedestal urinals or slop sinks with trap combined, shall have visible trap seals.

Section 12600-215. SECTION 4. FLUSHING RIMS.

All water closets, or pedestal urinals shall be provided with flushing rims, constructed so as to flush the entire interior surface of the bowl thereof with water as prescribed in subsequent sections of this title.

Section 12600-216. SECTION 5. OPEN PLUMBING.

All plumbing fixtures shall be installed or set free and open from all enclosing work.

Where practicable all pipes from fixtures shall be run to the wall.

Section 12600-217. SECTION 6. LOW DOWN CLOSETS.

Water closets with low down tanks shall be of a syphon pattern, provided with refilling devices.

Section 12600-218. SECTION 7. WATER CLOSETS PROHIBITED.

Pan, valve, plunger, offset washout and other water closets except latrines having invisible seals or an unventilated space, or the walls of which are not thoroughly washed at each discharge are prohibited.

Certain fixtures prohibited.

Long hopper water closets, and similar appliances shall not hereafter be installed in any building.

The provisions of this section shall also apply to the dry closet system or other system of closets in which the venting, back venting or local venting is to be made otherwise than in this code prescribed.

Section 12600-219. SECTION 8. URINALS.

Construction.

All urinals, troughs or gutters other than these heretofore prescribed, shall be constructed of materials impervious

to moisture and that will not corrode under the action of urine. When floor gutters are used as urinals the gutters shall be made with Portland cement or other impervious material and the floors and wall within five (5) feet of such gutter shall be made equally water tight and impervious. In districts having no sewer connections copper or galvanized iron urinal troughs may be used in outhouses, sheds, barns and in yards and at least twenty (20) feet distant from any building of a better grade.

on 12600-220. SECTION 9. WOODEN TRAYS AND SINKS.

Fixed wooden wash trays or sinks are prohibited in any building or part of building designed or used for human habitation.

on 12600-221. SECTION 10. BATH TUBS.

No new copper lined wooden bath tubs shall be installed, nor shall any old fixture of this class be reconnected. Any defective bath tub condemned by the proper authorities must be removed.

on 12600-222. SECTION 11. LATRINES AND RANGE CLOSETS.

Latrines or range water closets shall be made of cast iron with all interior surfaces white porcelain enameled and all other surfaces coated with non-corrosive paint; or, latrines or range closets may be of vitrous earthenware thoroughly glazed.

Specifications.

Latrines or ranges shall have flushing rims or other means of adequately flushing the front and rear inside surfaces constantly or at intervals. If pipes are used for such purposes they shall be made of brass.

Latrines or ranges shall be provided with automatic dumping tanks which shall discharge at intervals of not more than ten (10) minutes, and supply to each single latrine or range not less than ten (10) gallons of water at each discharge. The entire volume of water shall be delivered at once at one end of the latrine or range, passing over the entire length of the same and discharging at the other end through the sewer trap. Latrines in school buildings shall be flushed at least every three minutes during recess periods.

The bottom of latrines or ranges shall have a depression under the center of each seat, that shall retain a body of water at least one and one-half (1½) inch deep over an area of six (6) inches in diameter; gradually diminishing in all directions so that the surface of the water retained shall not be less than sixty (60) square inches.

Specifications.

There shall be an opening back of each seat of not less than ten (10) square inches of area, covered by a screen of non-corroding material.

The local vent duct within four (4) feet of the floor line shall be of not less than No. 27 copper, with riveted and soldered joints, shall be graduated in size in proportion to the fixtures added, and shall be installed in such a manner as to be self-draining.

Where electric current or water pressure is available, local vent ducts shall be connected to a ventilating flue provided with an electric or hydraulic exhaust fan of such a capacity or size as to create sufficient draught to carry off all offensive odors. Where electric current or water pressure is not available, ventilating flues with stack heaters shall be provided.

Covers shall be so attached that all interior surfaces of the latrines and ranges can be exposed to view.

No latrine or range shall have more than eight (8) compartments and each latrine or range shall have a separate trap not less than six (6) inches with a four (4) inch cleanout which shall be back vented by a four inch pipe.

There shall be an iron top for each latrine or range section porcelain coated on the under side and each iron top shall be covered by a square oak seat and lid properly reenforced.

Wood seats shall be thoroughly painted on the bottom and be varnished throughout; put together with brass hinges, cast iron braces and brackets to make them closed when not held up, and so equipped that they cannot be tampered with and can be easily opened for cleaning.

Latrines and ranges shall be substantially supported and be graduated for the proper fall towards the outlet.

Section 12600-223. SECTION 12. FROST PROOF CLOSETS—WHERE PERMISSIBLE.

Frost proof closets may only be installed in compartments which have no direct connection with any building used for human habitation or occupancy. The soil pipe between the hopper and the trap shall be not less than three (3) inches in diameter, and shall be either lead or cast iron enameled on the inside.

Section 12600-224. SECTION 13. WATER SUPPLY TO FIXTURES.

All water closets, urinals or other plumbing fixtures, shall be provided with a sufficient supply of water for flushings, to keep them in a proper and sanitary condition.

Section 12600-225. SECTION 14. WATER CLOSET SUPPLY.

No water closet or urinal bowl shall be supplied directly from the water supply pipes, excepting anti-freezing closets. Every water closet or urinal bowl shall be indirectly flushed through a flushing tank of at least four (4) gallons capacity for water closet and two (2) gallons for urinals. The tank shall be properly supplied with water and the

flush pipe to the water closet or urinal shall be at least one and one-quarter (1¼) inches in diameter, except for outside hoppers and urinals.

tion 12600-226. SECTION 15. FLUSHING TANKS—GROUPS OF FIXTURES.

A group of urinals, on the same floor, subject to constant use as in schools and factories may be supplied from one (1) tank, if provided with an automatic simultaneous flush provided that each individual urinal shall receive not less than one (1) gallon of water at each flushing and the discharge is of such force as to cleanse each individual bowl at each flush.

tion 12600-227. SECTION 16. AUTOMATIC FLUSHING TANKS.

All urinals having either intermittent or automatic flushing devices shall be flushed at regular intervals not to exceed ten (10) minutes each during the hours that such fixtures are in use.

The backs of gutter stalls to the height of three and one-half feet shall be kept constantly moist with a proportionate supply of water while in use.

ion 12600-228. SECTION 17. URINAL TROUGH AND GUTTERS.

Urinal troughs and gutters shall be flushed either by an automatic flushing tank the same as required for individual urinals, or may be flushed by a direct water supply through a brass pipe carried the full length of the trough, perforated every two (2) inches.

ion 12600-229. SECTION 18. FLUSHING TANKS.

All valves of flushing tanks shall be so fitted and adjusted as to prevent the waste water. The water from flushing tanks shall be used for no other purposes.

TITLE 12.

TOILET ROOMS.

ion 12600-230. SECTION 1. TOILET ROOM FLOORS.

All floors to toilet rooms, lavatories, water closet compartments, or any other enclosure where plumbing fixtures are used within the building, shall have a waterproof floor and base made of non-absorbent indestructible waterproof material, viz.: asphalt, glass, marble, Portland cement, vitrified or glazed tile or terrazzo, or monolithic composition. Waterproof floor.

Base shall not be less than six (6) inches high and shall have a sanitary cove at the floor level.

EXCEPTIONS. In apartments, tenements and dwellings,

the above prescribed floor and base will not be required, but water closets shall be set on a marble slab or tile or other non-absorbent, incombustible material not less than seven-eighths (7/8) inches thick, extending at least one (1) foot in front of such closets and not less than thirty (30) inches in width.

No water closet shall be set directly on top of a wood floor.

Section 12600-231. SECTION 2. SOUND PROOF PARTITIONS.

Where toilet rooms for males and females are adjacent to each other, they shall be separated by sound proof partitions extending to the ceiling and the entrance shall be screened and the traveling distance between them shall not be less than twenty (20) feet.

Section 12600-232. SECTION 3. TOILET ROOMS—DOORS AND COVERING.

All interior doors and partitions shall be raised at least six (6) inches above the floor.

Stalls. All urinals, urinal troughs or gutters shall be divided into stalls not less than eighteen (18) inches wide, by partitions not less than four feet six inches (4′ 6″) high measuring from floor line and nine (9) inches wide, raised not less than one (1) foot above the floor.

No room containing water closets or urinals shall be less than seven feet high.

TITLE 13.

INSPECTION AND TESTS.

Section 12600-233. SECTION 1. NATURE OF TESTS.

All piping of a drainage or plumbing system shall be given two (2) tests by the plumber in charge; first the roughing in with water, smoke, or air test; second and final with smoke in the presence of the proper authorities.

Section 12600-234. SECTION 2. MATERIAL AND ORDER OF TEST.

The material and labor for the tests shall be furnished by the plumber.

The tests shall be made in the following order: 1st, the house drain; 2d, the soil and waste vents and all vertical piping; 3d, the final on the whole system. The first and second tests may be combined but the second shall not be made until after the first.

Section 12600-235. SECTION 3. HOUSE DRAINS.

The house drain shall be tested with the water, smoke or air test. All alteration, repairs or extensions which shall

include more than ten (10) feet, shall be inspected and tested.

Section 12600-236. SECTION 4. STABLE, GARAGE AND YARD DRAINS.

If a stable, garage or any part of a stable is used for human habitation the same tests and inspection of the plumbing and drainage system thereof shall be made as in the case of an ordinary dwelling.

Section 12600-237. SECTION 5. CONDUCTOR PIPES.

Conductor pipes and their roof connections within the walls of buildings, or conductor branches on the outside system where such branches connect with the house drain or are less than three (3) feet from the wall of the building shall be tested by the water test.

Section 12600-238. SECTION 6. COVERING OF WORK.

No part of any plumbing or drainage system shall be covered until it has been inspected and tested and approved, except as previously provided for in title 5, section 6.

ection 12600-239. SECTION 7. FIXTURES—FINAL TEST.

When a plumbing drainage system is completed and the water is turned on and the traps filled, it shall be inspected and tested. When the location or style of any fixture is changed it shall be inspected.

ection 12600-240. SECTION 8. WATER AND AIR TEST.

Soil, waste and vent and inside conductor pipe stacks, and all work known as "rough" work between the house drain connections to points above the finished and beyond the finished face of walls and partitions, shall be tested when the whole stack is completed and topped out above the roof, with the water, air or smoke test.

The water test shall be applied by closing the opening at the outlet end of the house drain and all openings in the piping with proper testing plugs to the highest opening above the roof, and completely filling the system with water; the water columns to be left standing at least fifteen (15) minutes; if the water level remains constant such time the system shall have been acceptably tested.

When water is not available or when there is danger of freezing, the air or smoke test shall be used with a pressure of five (5) pounds, using an open mercury gauge with ten (10) inches of mercury.

ction 12600-241. SECTION 9. SMOKE TEST.

The drainage system of all new buildings and all new

soil, waste or vent pipe stacks hereafter installed in existing buildings shall be given their final tests with smoke.

Machine connection.

The smoke machine shall be connected to any suitable opening or outlet in the system and when the system is completely filled with dense pungent smoke, and the openings emit smoke they shall be closed and an air pressure equivalent to a one (1) inch water column shall be applied and left standing at least ten (10) minutes. If there is no leakage or forcing of trap seals, the system shall be deemed air or gas tight. But nothing in this section shall be so construed as to prevent the removal of any cleanout, or unsealing of trap to ascertain if the smoke has reached all parts of the system.

Section 12600-242.

SECTION 10. SMOKE TEST—IMPERATIVE.

The smoke test shall be used in testing the sanitary conditions of the drainage or plumbing system of all buildings, where there is reason to believe that the plumbing system has become dangerous or defective on account of settlement of the buildings or by abuse, accident or other cause.

Section 12600-243.

SECTION 11. DEFECTIVE WORK.

If tests show defects the defective work or material shall be replaced within three (3) days and the test again applied. In all cases the inspector shall designate the points at which the pressure shall be relieved or drawn off.

Section 12600-244.

SECTION 12. REPAIRS.

When test not required.

Tests shall not be required after the repairing or replacing any old fixture, faucet or valve by a new one, to be used for the same purpose; forcing out stoppage, repairing leaks, or relieving frozen pipes and fittings; but such repairs or alterations shall not be construed to include cases where new vertical or horizontal lines of soil, waste, vent or interior leader or conductor pipe are used or their relative locations changed, provided that, in a building condemned by the proper authorities because of unsanitary conditions of the house drainage or plumbing, no such drainage or plumbing shall be considered as coming under the head of repairs, but all such house drainage or plumbing shall be done as in case of new buildings.

Section 12600-245.

SECTION 13.

No tests or inspections shall be required where a house drainage and plumbing system or part thereof is set up for exhibition purposes; nor shall the final tests be required where the plumbing is placed in an outhouse, stable or detached building used exclusively for that purpose.

TITLE 14.

CATCH BASIN.

Section 12600-246. SECTION 1. YARD CATCH BASINS.

Yard catch basins which receive surface drainage or the discharge from hydrants or waste pipes shall be not less than twelve (12) inches in diameter and have not less than a four (4) inch trapped outlet for cleaning, and placed below the frost line. Where the inlet is liable to injury, the same shall be provided with a heavy cast iron frame and strainer set flush with the grade.

Section 12600-247. SECTION 2. SUBSOIL CATCH BASINS.

Subsoil catch basins, located where the water fluctuation is such that a constant water seal on the trap outlet is not maintained, shall be located outside the walls of the building, provided with a ball cock attached to the water supply pipes for the maintenance of such seal. The trapped outlet for such catch basin shall be formed by turning a four (4) inch bend or invert down into the water of the basin to within six (6) inches of the bottom.

Section 12600-248. SECTION 3. KITCHEN CATCH BASINS.

Catch basins for receiving kitchen wastes, shall be constructed water tight either of brick, concrete, tile or cast iron. If of brick, tile or concrete they shall be at least twenty (20) inches internal diameter, and be finished with a stone or iron cover.

Section 12600-249. SECTION 4. KITCHEN CATCH BASINS—INVERTS AND TRAPS.

The bottom of the catch basin shall be at least two (2) feet below the four (4) inch invert of the outlet to the sewer.

The outlet shall be trapped to a depth of twelve (12) inches below the invert of the outlet to the sewer, to prevent the escape of grease, by a hood or trap of brick and cement mortar or a hood of concrete or cast iron.

The invert of the inlet to the catch basin, for kitchen wastes, shall not be less than two and one-half (2½) feet above the finished bottom of the catch basin.

TITLE 15.

SUMPS AND EJECTORS.

Section 12600-250. SECTION 1. DRAINAGE BELOW SEWER LEVEL.

In all buildings in which the whole or part of the house drainage and plumbing system thereof lies below the crown

level of the main sewer, sewerage or house wastes shall be lifted by artificial means and discharged into the house sewer.

Section 12600-251. SECTION 2. SUMPS AND RECEIVING TANKS.

All subhouse drains shall discharge into a perfectly air tight sump or receiving tank so located as to receive the sewerage by gravity, from which sump or receiving tank the sewerage shall be lifted and discharged into the house sewer by pumps, ejectors or any equally efficient method.

Automatic.

Such sumps shall be either automatically discharged or be of sufficient capacity to receive the house sewerage and wastes for not less than twenty-four (24) hours.

Section 12600-252. SECTION 3. EJECTORS—VENTED.

The soil or waste pipe leading to an ejector or other appliance for raising sewerage or other waste matter to the street sewer, shall, where a water closet or closets are installed, be provided with a soil or vent pipe not less than four (4) inches in diameter, and where fixtures other than water closets are installed the waste vent pipe shall be the same diameter as the soil or waste pipe.

Section 12600-253. SECTION 4. MOTORS, COMPRESSORS, ETC.

All motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be so proportioned as to be of equal cubical capacity as the ejectors connected therewith, in which there shall be maintained an air pressure of not less than two (2) pounds for each foot of height the sewerage is to be raised.

Section 12600-254. SECTION 5. EJECTORS FOR SUBSOIL DRAINAGE.

When subsoil catch basins are installed below the sewer level automatic water ejectors provided with a ball float attached to the main water supply shall be used.

Such ejectors or any device raising subsoil water shall discharge into a properly trapped fixture.

TITLE 16.

CESS POOLS.

Section 12600-255. SECTION 1. CESS POOLS PERMITTED.

Written permission.

Tight or leaching cess pools may be used to receive the discharge from water closets and sinks only when written permission to that effect has been secured from the local board of health of the city in which the same is constructed,

if in a city; and if not, then by the Ohio state board of health, and such permission can be given only when a public sewerage system is not available.

Section 12600-256. SECTION 2. CESS POOLS PROHIBITED.

No cess pools for sewerage shall be constructed where a sewer is available nor shall any connection from such cess pool be made with any sewer.

Cess pools now existing in premises accessible to a sewer, and cess pools that may hereafter become accessible to a sewer must be discontinued emptied of their contents, cleaned and be filled with earth or ashes and the house sewer shall be disconnected from the old cess pool and be reconnected with the public sewer.

Section 12600-257. SECTION 3. SEWERAGE CESS POOLS.

When permitted.

Where a public sewer is not available, and written authority has been secured from the proper board of health (see section 1) to construct such cess pool and there is sufficient grounds for the purpose, a water tight cess pool may be used to receive the discharge of house sewerage, which may be overflowed to a leaching cess pool, providing there is no danger of contaminating a water supply, well or spring and the soil is of an absorbent character. Otherwise a tight cess pool shall only receive the discharge from water closets and sinks and the waste from all other fixtures shall discharge to a surface water course.

Section 12600-258. SECTION 4. TIGHT CESS POOLS.

A water tight cess pool for drainage shall not be less than six (6) feet in diameter by ten (10) feet deep in clear, or its equivalent oval, built of cast iron; hard brick, eight (8) inches thick laid in Portland cement mortar and plastered on the inside with a one (1) inch coat of Portland cement mortar; or Portland cement concrete eight (8) inches thick, and made water tight.

Section 12600-259. SECTION 5. LEACHING CESS POOLS.

A leaching cess pool shall not be less than the dimensions of the water tight cess pool, lined with dry brick or stone, viz: without mortar.

Section 12600-260. SECTION 6. RING AND COVER.

Tight and leaching cess pools shall be provided with a twenty (20) inch cast iron ring and cover.

Section 12600-261. SECTION 7. LOCATION OF CESS POOLS.

No tight cess pool shall be placed within two (2) feet of any lot or twenty (20) feet of any building or cistern or

thirty (30) feet from any well, spring or other source of water supply used for drinking or culinary purposes and shall be maintained tight.

No leaching cess pool shall be placed within one hundred (100) feet of any dwelling or water tight cistern or within three hundred (300) feet of the source of any water supply.

Section 12600-262. SECTION 8. CESS POOL-VENTS.

Tight cess pools shall be vented with four (4) inch cast iron vent pipe extending not less than ten (10) feet above the ground and not less than twenty (20) feet from any window, door or other opening in buildings used for human habitation.

Section 12600-263. SECTION 9. PIPING.

The outlet from the tight cess pool shall be through a deep invert the same size as the house sewer and the piping between the tight and leaching cess pool may be either of earthenware or cast iron.

TITLE 17.

SEPTIC TANKS.

Section 12600-264. SECTION 1. PERMISSION TO CONSTRUCT AND USE.

Approval. Septic tanks and filtration beds can be constructed only after the site has been inspected and the plans and specifications for the construction of the same approved by the Ohio state board of health, and no such tank or bed can be used to receive human or animal excreta until after the construction and equipment of the same has been approved in writing by the Ohio state board of health.

TITLE 18.

VAULTS.

Section 12600-265. SECTION 1. PRIVY VAULTS PERMITTED.

Privy vaults may be constructed only on premises where water and sewers are not accessible.

Section 12600-266. SECTION 2. PRIVY VAULTS PROHIBITED.

Privy vaults shall not be constructed where a sewerage system is available, nor on any lot where in cleaning, the night soil would have to be carried through any building of human habitation nor shall any old vault be connected to a sewer.

Vaults now existing on premises accessible to a sewer shall be cleaned to the bottom and filled with ashes or earth.

Section 12600-267. SECTION 3. LOCATION OF VAULT.

No vault, manure pit, open top cesspool, septic tank or other reservoir which is used as a privy or receptacle for human or animal excreta shall be located within two (2) feet of any lot or alley line or twenty (20) feet of any street line or any building of human habitation or occupancy or within fifty (50) feet of any cistern, well, spring or other source of water supply used for drinking or culinary purposes, whether they are located on the same or an adjoining lot, or premises. Limits of location.

EXCEPTION. No privy vault shall be located within fifty (50) feet of any school building.

Section 12600-268. SECTION 4. CONSTRUCTION OF VAULTS.

All vaults, pits or other open top reservoirs described in section 3 shall be made of either brick or concrete. The walls of such vaults, if made of brick, shall be of hard burned sewer brick, not less than eight inches thick, laid in Portland cement mortar and the walls plastered outside and inside with a half inch coat of Portland cement mortar, in proportion of one part of Portland cement and two parts of clean, sharp sand. After this coating is put on it shall be given a one coat wash of liquid Portland cement. The bottom shall be at least three brick course thick laid in cement mortar, or of Portland cement concrete mortar eight inches thick. Specifications.

When Portland cement concrete is used to construct vaults, the walls shall be at least six inches thick, laid to a form, and the concrete shall be made of one part of live Portland cement, three parts of clean, sharp sand, five parts crushed stone, free from dust and of sizes between one-quarter and one and one-half inches in largest diameter, and shall be plastered and grouped inside and out as prescribed above for brick construction.

Vaults shall be made tight and their walls continued twelve (12) inches above the ground surface to prevent surface drainage. No retempered cement shall be used.

If the vault is used in connection with an outhouse, the vault shall be of such a shape and size as not to extend under any portion of the floor of the said outhouse but only under the space occupied by the seats. Any portion of the vault extending beyond the walls of the outhouse shall be covered by a four (4) inch brick arch, four (4) inch stone flagging, reinforced concrete slab or cast iron.

Section 12600-269. SECTION 5. OUTHOUSES.

Over each privy vault, which shall receive nothing but human excreta, there shall be placed an outhouse constructed as prescribed in title 12, section 3.

The seats shall be provided with tight fitting covers, and the space underneath shall be ventilated by a vent pipe Covers.

or box extending upward through and three (3) feet above the roof. Such vent pipe shall be at least six (6) inches square for every square yard or part thereof of vault surface.

Section 12600-270.

SECTION 6. CLEANOUT DOORS.

Vaults shall be provided with a cleanout extension not less than two (2) by one and one-half (1½) feet in size, connecting directly with the vault.

Trap door.

Cleanout shall be provided with a trap door the full size of the cleanout. Cleanout extension shall extend at least one (1) foot above the grade line.

Section 12600-271.

SECTION 7. FLOORS.

Floors of outhouses shall be made as tight as possible.

Seceion 12600-272.

SECTION 8. OUTHOUSES FOR DIFFERENT SEXES.

Where outhouses are provided for the different sexes, if located within forty (40) feet of each other the walks or approaches thereto shall be separated by a tight fence, at least six (6) feet high, but in no case shall such outhouses be located within ten (10) feet of each other.

TITLE 19.

Section 12600-273.

SECTION 1. PUMPS AND HYDRANTS.

Pumps and hydrants shall be placed in the center of a concrete or cement platform not less than six (6) feet in diameter.

Platform.

Platform shall be placed six (6) inches above the natural grade line, and be graded up around the same to within two (2) inches of the top of the platform and in such a manner as to run all surface water away from the pump or hydrant.

The sectional numbers on the margin hereof are designated as provided by law.

Pumps and hydrants shall be provided with concrete or cement gutters, or sewer pipe drains which will carry away all waste water and discharge same at a point not less than twenty (20) feet distant from the pump or hydrant.

TIMOTHY S. HOGAN,
Attorney General.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Passed May 31st, 1911.
Approved June 14th, 1911.

JUDSON HARMON,
Governor.
256.

JOINT RESOLUTIONS

[House Joint Resolution No. 2.]

JOINT RESOLUTION

Relative to printing the roster of the House and Senate in pamphlet form.

Be it resolved by the General Assembly of the State of Ohio: That the clerk of the Senate and the clerk of the House of Representatives are hereby directed to have printed in pamphlet form a list of the members of the Senate and House, together with a list of the standing committees of each House, two thousand copies for the use of the Senate, and three thousand copies for the use of the House of Representatives.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted Jan'y 26th, 1911. 1

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Providing for the appointment of a joint committee to inform the Governor that the two houses of the 79th General Assembly have organized.

Be it resolved by the General Assembly of the State of Ohio: That a committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to wait upon and inform the Governor that the two houses of the 79th General Assembly have organized and are ready to receive any communication he may desire to transmit.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Jan. 30th, 1911. 2

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Providing for the meeting of the general assembly in joint session to witness the opening and publishing of the result of the election for state officers on Tuesday, November 8, 1910.

Be it resolved by the General Assembly of the State of Ohio: That the two houses of the general assembly meet in joint convention in ac-

cordance with the provisions of the constitution and the law on Tuesday, January 3, 1911, at 11 o'clock a. m. to witness the opening of the votes cast at and hearing the publishing and declaring of the result of the election held on the first Tuesday after the first Monday in November, 1910, for governor and other constitutional state officers.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Jan. 30th, 1911. 3

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Providing for the meeting of the two houses of the General Assembly in joint convention, for the purpose of taking such action as may be necessary looking to the election of United States Senator.

Be it resolved by the General Assembly of the State of Ohio: That the two houses of the General Assembly convene in the hall of the House of Representatives at 12 o'clock meridian on Wednesday, January 11, 1911, for the purpose of taking such action relative to the election of a senator in the Congress of the United States for the constitutional term of six years beginning the fourth day of March, 1911, as may be necessary, in accordance with the constitution of the State of Ohio and the statutes of the United States.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Jan. 30th, 1911. 4

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Adopting the joint rules of the 78th general assembly for the government of the 79th general assembly.

Be it resolved by the General Assembly of the State of Ohio: That until otherwise ordered the joint rules of the 78th general assembly be adopted for the government of the two houses of the 79th general assembly.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Jan. 30th, 1911. 5

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Providing for adjournment of the general assembly from January 3, 1911, to January 9, 1911.

Be it resolved by the General Assembly of the State of Ohio: That when the two houses of the general assembly adjourn today it be to meet Monday, January 9, at 11 o'clock a. m.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Jan. 30th, 1911. 6

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

Providing for adjournment of the general assembly from January 11 to January 16 at 5 o'clock P. M.

Be it resolved by the General Assembly of the State of Ohio: That when the two houses of the general assembly adjourn Wednesday, January 11, it be to meet Monday, January 16, at 5 o'clock p. m.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Jan. 30th, 1911. 7

[Senate Joint Resolution No. 8.]

JOINT RESOLUTION

Appointing a committee on joint rules to draft and report joint rules for the government of the 79th general assembly.

Be it resolved by the General Assembly of the State of Ohio: That there be appointed a committee on joint rules consisting of three on the part of the senate and three on the part of the house of representatives, to be named as other standing committees are named, to draft and report joint rules for the government of the 79th general assembly.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Jan. 30th, 1911. 8

[House Joint Resolution No. 5.]

JOINT RESOLUTION

Relative to requesting our senators in congress to support a bill (H. R. No. 29346), pending in the senate, congress of the United States.

WHEREAS, A bill (H. R. No. 29346), known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers who served in the Civil War and the war with Mexico, has passed the House of Representatives, in the congress of the United States, and is now pending in the senate; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That we heartily approve all of the provisions of said bill, and we hereby respectfully request our senators in congress to vote for and use every honorable means to secure its passage in the senate of the United States, just as it passed the house of representatives without alteration or amendment as to the benefits provided.

Resolved, That copies of this resolution, signed by the respective officers of both houses, be sent to each of the senators from Ohio in the congress of the United States.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted Feb'y 7th, 1911. 9

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Ratifying the proposed 16th amendment to the constitution of the United States.

Whereas, both houses of the sixty-first congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the constitution of the United States of America in the following words, towit:

"A join resolution proposing an amendment to the constitution of the United States.

"*Resolved* by the senate and house of representatives of the United States of America in congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the constitution of the United States, which, when ratified by the legislature of three-fourths of the several states, shall be valid to all intents and purposes as a part of the constitution, namely, Article XVI. The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration." Therefore,

Be it resolved by the general assembly of the state of Ohio, That the said proposed amendment to the constitution of the United States of America be, and the same is hereby ratified by the general assembly of the state of Ohio. And, further be it

Resolved, That the certified copies of the joint resolution be for-

warded by the governor of this state to the secretary of state at Washington and to the presiding officers of each house of the national congress.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted Feb'y 8th, 1911. 10

[House Joint Resolution No. 7.]

JOINT RESOLUTION

Relative to printing three thousand copies of the report of the highway commissioner.

Be it resolved by the General Assembly of the State of Ohio:

That three thousand (3000) copies of the report of the highway commissioner as submitted by the governor, by message to the general assembly, be printed in pamphlet form for the use of the members of the general assembly.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted Feb'y 9th, 1911. 11

[House Joint Resolution No. 9.]

JOINT RESOLUTION

Relative to printing one thousand additional copies of H. B. No. 186.

Be it resolved by the General Assembly of the State of Ohio:

That one thousand additional copies of H. B. No. 186—Mr. Smith, of Marion, to amend sections 5649-2 and 5649-3 of the General Code, and to supplement section 5649-3 by the addition of five supplementary sections to be known as sections 5649-3a, 5649-3b, 5649-3c, 5649-3d and 5649-3e of the General Code relating to the maximum tax rate which may be levied in a taxing district, be printed for the use of the members of the general assembly.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted Feb'y 9th, 1911. 12

[House Joint Resolution No. 8.]

JOINT RESOLUTION

A resolution relative to appointing a committee to investigate the Ohio penitentiary.

WHEREAS, In the remodeling of the Ohio penitentiary on the present site, an amount approximating $266,000 has already been spent or will be spent under existing contracts in the building and equipment of a power house, construction of a cell block, erection of a dining-room, building of a stockade for admission of freight and improvement of the sewerage, and

WHEREAS, None of this money has been directly spent in making provision for the permanent employment of convicts on state or other public account; and

WHEREAS, Of the 1,589 convicts in the penitentiary, several hundred are now in the idle house, suffering cruel and unnatural punishment not contemplated in their sentences; and

WHEREAS, When the last contract for prison labor expires, February 11, 1911, 790 more convicts will be forced into idleness within the walls, making the entire prison population dependent for employment on the inadequate facilities of the state; and

WHEREAS, This is a condition of the gravest concern, not only to prisoners who suffer this cruel treatment, but also to persons of humane instincts throughout the state and to the members of this legislature; and

WHEREAS, There is reason to believe that the building operations, continued on the plans adopted by the managers of the penitentiary, will cost an aggregate of $2,800,000, an amount communicated to few of the members of the legislature which made the initial appropriations; and

WHEREAS, There is no definite assurance that such improvements, when completed, will adequately provide for the employment of all convicts on state account, or in the production of manufactured articles for the use of other state institutions; and

WHEREAS, The report of the warden of the penitentiary on the operation of the custodial farm last year shows that, in value of crops alone, to say nothing of improvements made on the 400-acre farm, the net earning per man employed was $1.63 a day for the season; and

WHEREAS, The employment of convicts in farm and related tasks is considered by modern penologists to be a vast help in their physical and moral correction and is the choice of many prisoners; and

WHEREAS, Such employment of convicts offers a wide diversity of tasks and, with a sufficient acreage, might be made to produce farm supplies for all the institutions of the state, effecting a great economy while teaching the prisoners the details of an occupation in which too few persons are now engaged, and tending to make convicts, at the expiration of their terms, producers, instead of consumers of food products,

Be it resolved by the General Assembly of the State of Ohio:

That a committee of five members on the part of the house, to be appointed by the Speaker of the House and five on the part of the senate, members of the senate, to be appointed by the President of the Senate, to make inquiry as to the plans for the reconstruction of the penitentiary on its present site; and the employment of convicts at farm

labor. It shall be the duty of the joint committee to obtain from the managers of the penitentiary full information as to their plans, present and prospective, the amount of work done and the amount contemplated and the estimated cost thereof; to ascertain what it is proposed to manufacture in the penitentiary and how many prisoners it is expected to employ thereat, and how soon that employment can be provided; to consider with the penitentiary managers and others the desirability of enlarging the agricultural work by convicts, or of abandoning the present site of the penitentiary and employing convicts wholly or in large part on the penitentiary farm at the present site of the custodial farm, or some other available site in Franklin county. It shall be the further duty of this committee to ascertain what the ground and buildings at the present site of the penitentiary could probably be sold for, what another site with large farm acreage could be bought for and what would be the probable cost of the buildings which it would be necessary to erect thereon to care for the prisoners and to secure to them the greatest diversity of healthful and productive employment at the least possible competition with free labor. Owing to the critical conditions now existing in the penitentiary, it shall be the duty of this committee to proceed immediately to organize and make this inquiry and, at the earliest possible date, to report its finding to this legislature, with recommendations for its guidance in further appropriations on penitentiary reconstruction account; and that until such report is made and adopted, further appropriations on this account be withheld.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted Feb'y 14th, 1911. 13

[House Joint Resolution No. 14.]

JOINT RESOLUTION

Relating to the anniversary of Abraham Lincoln.

WHEREAS, This 13th day of February, A. D. 1911, being the fiftieth anniversary on which Abraham Lincoln, the sixteenth president of the United States, addressed the general assembly of the state of Ohio and being the first legislative day following the one hundred and second anniversary of his birth, and that this general assembly of the state of Ohio being deeply sensible of the importance of the occasion of fifty years ago today on account of the many trying problems that beset our federal government because of secession, at that time, of several states of the Union, and as the president-elect of the United States, Abraham Lincoln, acknowledged and accepted the invitation to address the general assembly of the state of Ohio, in the following language:

"Springfield, Ill., February 7, 1861.

"*Hon. Wm. Dennison:*

"Sir:—Your letter of the 31st ult., inviting me, on behalf of the legislature of Ohio, to visit Columbus on my way to Washington, has been duly received.

"With profound gratitude for the mark of respect and honor thus cordially tendered me by you and them, I accept the invitation.

"Your obedient servant,

"A. LINCOLN."

and that, on February 13, 1861, he made the following address to the legislature:

"Mr. President and Mr. Speaker, and Gentlemen of the General Assembly of Ohio:

"It is true, as has been said by the president of the senate, that very great responsibility rests upon me in the position to which the votes of the American people have called me. I am deeply sensible of that weighty responsibility. I cannot but know what you all know, that without a name, perhaps without a reason why I should have a name, there has fallen upon me a task such as did not rest even upon the father of his country; and so feeling, I can turn and look for that support without which it will be impossible for me to perform that great task. I turn, then, and look to the American people, and to that God who has never forsaken them. Allusion has been made to the interest felt in relation to the policy of the new administration. In this I have received from some a degree of credit for having kept silence, and from others some deprecation. I still think that I was right. * * *

"In the varying and repeatedly shifting scenes of the present, and without a precedent which could enable me to judge by the past, it has seemed fitting that before speaking upon the difficulties of the country I should have gained a view of the whole field, being at liberty to modify and change the course of policy as future events may make a change necessary.

"I have not maintained silence from any want of real anxiety. It is a good thing that there is no more than anxiety, for there is nothing going wrong. It is a consoling circumstance that when we look out there is nothing that really hurts anybody. We entertain different views upon political questions, but nobody is suffering anything. This is a most consoling circumstance, and from it we may conclude that all we want is time, patience, and a reliance on that God who has never forsaken this people.

"Fellow citizens, what I have said I have said altogether extemporaneously, and I will now come to a close."

Therefore,

Be it resolved by the General Assembly of the State of Ohio:

That we reverently recognize the great power of purpose, his breadth of magnanimity, his large and certain conception of public right and duty, his great and sustaining courage that made certain the security of our government in the hours of its greatest peril.

Devotedly we yield our greatest love, praise and honor in remembrance of his charity, sacrifice, and his constant and consistent loyalty to a perfect union of these United States.

Infinitely valued as were his services to this republic, as its chief executive, greater still is the heritage of the American people in memory

of his fine example; his unalloyed honesty, courageous sincerity and simple devotion to true ideals.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Feb'y 22nd, 1911. 14

[House Joint Resolution No. 16.]

JOINT RESOLUTION

Relating to the printing of three thousand additional copies of House Bill No. 325.

Be it resolved by the General Assembly of the State of Ohio:

That three thousand additional copies of House Bill No. 325—Mr. Winters, changing the name of the Railroad Commission of Ohio to that of the Public Service Commission of Ohio, defining the powers and duties of the latter commission with respect to public utilities, and to repeal sections 503, 518 and 543 to 552, inclusive, of the General Code, to be printed for the use of the members of the general assembly.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted Feb'y 28th, 1911. 15

[House Joint Resolution No. 17.]

JOINT RESOLUTION

Relating to the printing of one thousand additional copies of House Bill No. 282 and one thousand additional copies of House Bill No. 271.

Be it resolved by the General Assembly of the State of Ohio:

That one thousand additional copies of House Bill No. 282—Mr. Black, "To insure workmen and their dependents against the loss of wages resulting from death or injuries received in the due course of their employment, industrial or otherwise," be printed for the use of the members of the general assembly;

That one thousand additional copies of House Bill No. 271—Mr. Thomas, "To create a state insurance fund for the benefit of injured and dependents of killed employes, and to provide for the administration of such fund by a state liability board of awards," be printed for the use of the members of the general assembly.

S. J. VINING,
Speaker of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted Feb'y 28th, 1911. 16

[Senate Joint Resolution No. 13.]

JOINT RESOLUTION

Authorizing the summoning and compelling the attendance of witnesses before the Ohio penitentiary investigating committee and providing for the necessary expenses of such witnesses and said committee.

WHEREAS, Under house joint resolution No. 8, it has been found necessary by the committee thereunder appointed to incur certain expenses in the summoning and compelling the attendance of witnesses before the committee, employment of a stenographer and other necessary expenses in order that the committee may thoroughly acquaint itself with the conditions which are sought to be remedied under house joint resolution No. 8; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the committee appointed under said house joint resolution No. 8 is hereby authorized and empowered to summon and compel the attendance of witnesses to give testimony before it, to employ a stenographer and to incur other expenses rendered necessary by the committee in the exercise of its duty not to exceed two thousand dollars, and that said expenses shall be paid from the fund appropriated for the expense of legislative committees upon vouchers signed by the chairman of said committee.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
ATLEE POMERENE,
President of the Senate.

Adopted March 2nd, 1911. 17

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Requesting the congress of the United States to provide by law relative to pensions of deceased soldiers and sailors, and continuing the same to widows and dependent relatives.

Be it resolved by the General Assembly of the State of Ohio:

That the congress of the United States be requested to provide by law that, in case of the death of an ex-soldier or sailor who is in receipt of a pension from the federal government, the same amount of pension be continued to his widow, if there be one, and if not to any near relative who from age or illness is dependent upon him for support.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 7th, 1911. 18

[House Joint Resolution No. 6.]

JOINT RESOLUTION

Relative to appointing a committee to investigate the rental of office buildings for use of state departments.

WHEREAS, The state of Ohio is now occupying and renting many offices outside of the state house for the use of commissions, officials and employes of the state, and paying therefor a large amount of rent annually; and

WHEREAS, The space in the state house is inadequate for the commissions, officials and employes;

Now therefore:

Be it resolved, That there be and is hereby appointed a joint committee, composed of three (3) members of the senate, to be appointed by the president of the senate and three (3) members of the house, to be appointed by the speaker of the house, and said committee be and the same is hereby empowered and directed to forthwith investigate and report to the house the amount of rental paid annually for office space by the state of Ohio for the use of such commissions, officials, and employes of the state; and said committee is further directed to investigate the practicability of the state purchasing a site and erecting a building thereon, to be used by such commissions, officials, and employes of the state as cannot now and may not in the future be given occupancy in the state house, and if said committee shall recommend that a site be secured and a building constructed for that purpose, said committee shall recommend the amount of money that in its judgment would be required for the purpose of securing said state and constructing said state building. Said committee is instructed to report the result of its investigation, together with its recommendation, within thirty days from the date of the adoption of this resolution.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted Mch. 15th, 1911. 19

[House Joint Resolution No. 13.]

JOINT RESOLUTION

To define the law against polygamy as clearly as the law is defined against bigamy.

The contract made by Utah with the United States government when admitted as a state was that polygamy should cease. From that day to the present Joseph Smith and the majority of his followers have lived in polygamy and new polygamous conditions have continued. The doctrine of the Mormon church is the more spiritual its followers become the more will they practice polygamy. The government of the United States takes precedence over the government of the Mormon church. When the Mormon hierarchy discovers that the sentiment of the people of the United States is positive in its denunciation of polygamy, the Mormon church has a new revelation, and again throughout

the press of the country is the announcement of the doing away of polygamy. Soon the announcement is made to the press that there was no authority for the statement. The question that faces every legislator is, shall the United States government be maintained or shall the Mormon hierarchy rule the government. It is only necessary to refer to the proceedings before the United States senate committee on Privileges and Elections to be convinced that polygamy is the fundamental doctrine of the Mormon church. Reference should also be made to Pearson's Magazine for September, October and November, 1910, which will clearly explain the situation.

The consensus of opinion of statesmen and the great majority who are considering the welfare of our nation is an amendment to the federal constitution prohibiting polygamy and polygamous practices. A concurrence resolution for an amendment to the federal constitution prohibiting polygamy and polygamous practices has passed thirteen states; New York, West Virginia, Delaware, Missouri, Maine, Iowa, North Dakota, New Jersey, North Carolina, Pennsylvania, Minnesota, California and Washington. When two-thirds of the states have passed this resolution congress will act as is the case of the concurrence resolution which has passed all but four of the states in regard to the direct vote of the people for senators of the United States. The following resolution is a federal concurrence resolution, is not referred to a committee, is acted upon by both houses, does not lie on the table but under the rules to be called up and acted upon by the assembly as a whole;

WHEREAS, It appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof, and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Resolved, That the application be made and hereby is made to congress under the provisions of article V of the constitution of the United States for the calling of convention to propose an amendment to the constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other states of the United States, now in session or when next convened, be and they hereby are respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved, further, That the secretary of state be and he hereby is directed to transmit copies of this application to the senate and house of representatives of the United States, and to the several members of said bodies representing this state therein; also to transmit copies hereof to the legislatures of all other states of the United States.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted Mch. 15th, 1911.

[House Joint Resolution No. 20.]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of House Bill No. 395.

Be it resolved by the General Assembly of the State of Ohio:

That 1,000 additional copies of House Bill No. 395 "to provide for the appointment of deputy state tax commissioners", etc., be printed for the use of the members of the house and senate.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted Mar. 15th, 1911. 21

[House Joint Resolution No. 21.]

JOINT RESOLUTION

Relative to petitioning congress to call a constitutional convention for the purpose of submitting to the states for ratification an amendment to the constitution providing for the election of United States senators by direct vote of the people.

WHEREAS, There is a widespread and rapidly growing belief that the constitution of the United States should be amended so as to provide for the election of United States senators by the direct vote of the people of the respective states; and

WHEREAS, The national house of representatives has on several occasions within recent years adopted resolutions in favor of this proposed change; and

WHEREAS, The United States senate has refused to submit such an amendment, thereby denying to the people of the several states a chance to secure this much-desired change in the method of electing senators, therefore,

Be it resolved by the General Assembly of the State of Ohio:

That under the authority of article V of the constitution of the United States application is hereby made to congress to forthwith call a constitutional convention for the purpose of submitting to the states for ratification an amendment to the United States constitution providing for the election of United States senators by direct vote of the people; and be it further

Resolved, That the secretary of state be, and is hereby, directed to forward duly authenticated copies of this application to the president of the United States senate and to the speaker of the house of representatives of the United States, with the request that the same be laid before the said senate and house.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted March 15th, 1911. 22

[House Joint Resolution No. 22.]

JOINT RESOLUTION

Relative to printing additional copies of House Bill No. 163.

Be it resolved by the General Assembly of the State of Ohio:

That one thousand additional copies of Amended House Bill No. 163 by Mr. Canfield, be printed for the use of the members of the General Assembly.

S. J. VINING,
Speaker of the House of Representatives.
WM. GREEN,
President pro tem. of the Senate.

Adopted Mch. 30th, 1911. 23

[House Joint Resolution No. 19.]

JOINT RESOLUTION

Relative to illuminating the exterior of the dome of the capitol building.

Be it resolved by the General Assembly of the State of Ohio:

That the adjutant general, as superintendent of the state house and grounds, be and he is hereby authorized and directed to inquire into the practicability, as well as the advisability, of illuminating the exterior of the dome of the capitol building; to secure plans and specifications therefor, ascertain the probable cost of lighting the same and report to the general assembly at its present session and at as early a day as practicable the information secured by him, together with such recommendations as he may see fit to make on the subject.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted Apr. 10th, 1911. 24

[House Joint Resolution No. 23.]

JOINT RESOLUTION

Relative to printing 1,500 additional copies of House Bill No. 479.

Be it resolved by the General Assembly of the State of Ohio:

That 1,500 additional copies of House Bill No. 479—Mr. Donson, "Establishing a building code regulating the construction of repair of, alteration on and additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and

upon public buildings," be printed for the use of members of the general assembly.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Approved Apr. 11th, 1911. 25

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

Expressing the regret of the General Assembly of Ohio on the death of Tom L. Johnson and extending sympathy to his family.

WHEREAS, In the death of Tom L. Johnson, Ohio has lost one of her most illustrious sons and the nation one of its greatest students of municipal government; and

WHEREAS, As a member of the congress of the United States, as mayor of the city of Cleveland, as a champion of the rights of men, as a citizen of his country, as a loyal friend, as a kind and loving husband and father, Tom L. Johnson ever sought to exalt the ideals of citizenship and of government; and

WHEREAS, Faithful to every public trust and confidence imposed in him, rising by his own efforts from obscurity and poverty to an eminence which gave him a place in the hearts of his countrymen, and having come to the end of life's road with a stainless, spotless character, and having lived a life above reproach, and having entered that Great Beyond, from which no traveler ever returns, with the respect of all who ever knew him; therefore,

Be it resolved by the General Assembly of Ohio:

That the General Assembly of Ohio express its deep regret and lament upon the loss by death of that distinguished citizen, Tom L. Johnson, and the sympathy of each and every member of the General Assembly is hereby extended to the bereaved widow and family who mourn the loss of one they loved so well.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted Apr. 18th, 1911. 26

[Senate Joint Resolution No. 16.]

JOINT RESOLUTION

Authorizing the governor to appoint joint committee to assist in planning for celebration of one hundredth anniversary of peace among English speaking people.

WHEREAS, On December 24, 1814, at Ghent, was concluded a treaty of peace between America and Great Britain, and

WHEREAS, In 1914 a century will have ended in the course of which

there has been no resort to arms between English speaking nations, and

WHEREAS, The peaceful settlement of whatever differences may have arisen between us and Great Britain have been an example to the world as to the needlessness of war, and

WHEREAS, There has been organized a national committee for the celebration of the one hundredth anniversary of peace among English speaking peoples, 1914-1915, a committee which will be representative of every section and locality of our country, and

WHEREAS, Great Britain and Canada have expressed a willingness and a desire to associate themselves with other English speaking communities in the celebration of this great event, therefore

Be it resolved by the General Assembly of Ohio:

That this body give its approval to this great project, and that there be named by the governor a joint committee to co-operate with this national committee in its work of preparing a plan of celebration.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted Apr. 24th, 1911. 27

[House Joint Resolution No. 26.]

JOINT RESOLUTION

Relative to Howe's Historical Collections.

WHEREAS, There are now in the keeping of the secretary of state three hundred and ten or more sets of Howe's Historical Collections of Ohio,

Be it resolved by the 79th General Assembly of the State of Ohio:

That the secretary of state be and is hereby directed to distribute the copies of Howe's Historical Collections of Ohio now in his keeping as follows:

Two sets to each member of the seventy-ninth general assembly.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 3rd, 1911. 28

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Resolved, That the following joint rules shall govern the Senate and the House of Representatives of the Seventy-ninth General Assembly of Ohio:

RULE 1. Whenever the two branches of the general assembly shall

convene for any purpose required by the constitution or laws of the state, such convention shall be held in the hall of the House of Representatives, unless otherwise ordered by a joint resolution of the two branches, and the president of the Senate shall preside. During all such conventions each branch shall be held to be in session as a separate branch of the general assembly and be governed by its own rules; and except in voting at elections, where each member is entitled to a separate vote, shall act as such, and no question shall be considered as carried otherwise than by the concurrent action of both branches; provided, that either branch may, by a vote of a majority of all its members, dissolve such convention by withdrawing therefrom; and such convention may, by the concurrent vote of the two branches, take a recess, or adjourn to a time certain; but such recess or adjournment of the convention shall not be held to be an adjournment or recess of either branch, nor to prevent either from proceeding with its usual business during such recess or adjournment of the convention.

RULE 2. In all elections in joint session, a majority of the votes cast shall be necessary to a choice.

RULE 3. Bills introduced in either house shall be legibly written, typewritten, or printed, and shall bear the name of the author and must in all respects, as to form, comply with the laws, and the rules of the general assembly.

RULE 4. Bills shall have noted in their titles, a distinct reference to the subject or matter to which they relate and also, if they propose the amendment or repeal of any law, to the section proposed to be amended or repealed.

RULE 5. Bills, as well as joint resolutions, shall be printed after their first reading, and distributed for the use of members of the two houses.

RULE 6. In all bills introduced which seek to amend existing statutes any new matter contained therein shall be underscored by the author, and when printed the matter so underscored shall be printed in italics; and when amendment is sought by the omission or elimination of matter in an existing law the author shall indicate such omission or elimination by asterisks and the printer shall follow such indicated marks in copy. No bill shall be sent to the printer by the clerk which does not conform to these requirements.

RULE 7. When a bill or joint resolution has been passed or adopted in either house, notice shall be forthwith given to the other house.

RULE 8. When a bill or joint resolution which shall have been passed in one house is rejected or lost in the other, or postponed indefinitely, notice thereof shall forthwith be given the other house.

RULE 9. When a bill or joint resolution which has passed one house, and been amended, passed and returned by the other, the question shall be upon concurrence in the amendment or amendments, and the same number of votes shall be required to concur as was required to pass the

bill or resolution in the house in which it originated; and if such house refuse to concur in the amendment, notice shall be forthwith sent to the other house where the proceedings shall be in the following order:

FIRST—To insist upon its amendment and ask for a committee of conference;

SECOND—To recede from its amendment, which has the effect of passing the bill in the form in which it passed the house in which it originated;

THIRD—To adhere to its amendment, which precludes a committee of conference.

COMMITTEES OF CONFERENCE.

RULE 10. All committees of conference shall consist of three on the part of the Senate, and three on the part of the House of Representatives unless otherwise especially ordered by both houses.

RULE 11. Whenever any committee of conference of the two houses shall disagree, other committees may be appointed; and if either of the two houses shall disagree to any report of a committee of conference, such house shall forthwith notify the other of such disagreement, and request another committee of conference; and thereupon another committee shall be appointed.

RULE 12. A committee of conference appointed to consider matters of difference between the two houses upon any bill or resolution, may consider and include in its report any amendments pertinent to the bill or joint resolution, whether or not the form or substance of such amendments relate exclusively to the original matters of difference, or the committee may offer a substitute for said bill or resolution.

RULE 13. The report of a conference committee is always in order except during a roll call or division, and can not be laid on the table, referred to a committee, or indefinitely postponed, and must be voted upon as a whole.

MESSAGES.

RULE 14. All messages sent from one house to the other shall be carried by an officer or employee of said house, who shall give a receipt for the same to the message clerk from whom he receives the message. He shall deliver the message without delay to the clerk of the house to which it is sent and take a receipt therefor from said clerk or one of his assistants authorized by him to receipt for messages. The receiving clerk shall deliver such message to the presiding officer of the body, who shall, in the proper order of business, and within a reasonable time, lay it before the house.

ENGROSSMENT OF BILLS.

RULE 15. All bills and resolutions, before they are passed or adopted by either house, shall be carefully engrossed in plain handwriting, in printing or in typewriting, and the engrossed copy carefully com-

pared with the original bill, and the journal showing the amendments agreed to.

RULE 16. When a bill shall have passed one house, and shall be amended in the other, the amendment shall be engrossed upon a separate piece of paper, and the bill, as amended, shall be fully engrossed, and both returned, with the engrossed bill received from the other house, to the house in which it originated. In such engrossments, sections of bills and joint resolutions amended shall be engrossed in a plain engrossing handwriting, in printing or typewriting. Whenever a bill shall be passed in one house and sent to the other and a substitute therefor is agreed to by such house, in the communication between the houses such substitute shall be designated and treated as an amendment to the original bill and the message relating thereto shall definitely show as in case of other amendments, how the original bill is amended.

ENROLLMENT.

RULE 17. A bill or joint resolution having been reported to either house by the joint committee on enrollment, shall not thereafter be subject to amendment, commitment or other action by either house; but this provision shall not apply to bills returned to the general assembly by the governor or secretary of state.

SIGNING AND VETO OF BILLS.

RULE 18. All bills and joint resolutions, which shall have passed both houses, shall first be signed by the speaker of the House of Representatives, and then by the president of the Senate, the latter affixing the date thereto and delivering the same to the clerk of the Senate who shall deliver each bill so passed to the governor, taking a receipt therefor, and each joint resolution to the secretary of state taking the latter's receipt therefor. When any bill shall have been disapproved by the governor and subsequently enacted into law over such veto, in accordance with the provisions of the constitution, the enrolled copy shall be endorsed with the record of the proceedings in each house subsequent to the veto, attested by the speaker of the House and president of the Senate.

RULE 19. When a bill or joint resolution shall have passed either house, and been sent to the other for concurrence, such bill or joint resolution shall take precedence on the calendar, of all bills, joint resolutions or resolutions not yet passed or adopted by the house in which they originated; provided, that such bills or joint resolutions shall not take precedence of other bills or joint resolutions which may have been carried over from an unfinished calendar.

RULE 20. Any bill placed on the calendar for third reading, informally passed, and which was not subsequently called up for consideration, shall be placed in its order at the head of the calendar of bills for third reading on the succeeding day.

RULE 21. The chairman of each committee of the Senate and House of Representatives shall, at some time before the final consideration of

any bill referred to his committee, if objection thereto be made or material amendment offered in the committee, give verbal or written notice to the author of the bill, fixing a time when he may be heard by the committee.

RULE 22. The yeas and nays shall be called in each house on the adoption of all joint resolutions and upon concurrence in amendments made by one house to a bill or resolution originating in the other, and upon the adoption of the reports of conference committees.

RULE 23. The clerks of the Senate and House of Representatives shall cause a calendar for each branch of the general assembly to be printed and placed upon the desk of each senator and representative before the opening of each daily session, showing for the day bills for second reading, the bills for third reading and the special orders of the day.

RULE 24. The calendar may also show such other information relating to the business of the houses as the chair or the clerk may desire to bring to the attention of the members.

RULE 25. When a message shall be transmitted to the general assembly by the governor expressing his disapproval of any bill, section, or item of a bill which has been passed by the general assembly, the question shall be presented in each house as follows: "Shall the bill (section or item, as the case may be) be passed notwithstanding the objections of the governor?"

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 3rd, 1911. 29

[Senate Joint Resolution No. 20.]

JOINT RESOLUTION

Directing the Attorney General, under sections 333 and 13560 of the general code, to appear, on behalf of the state, before the grand jury of Franklin county, Ohio, relative to criminal offenses under section 12823 of the general code, and also in any court wherein said cause or any like cause or proceedings may come.

WHEREAS, Certain proceedings have been commenced in the courts of Franklin county, Ohio, involving charges of criminal offenses under section 12823 of the general code, and

WHEREAS, The grand jury of said county, beginning Tuesday, May 2, 1911, is to consider said alleged offenses; therefore

Be it resolved by the General Assembly of the State of Ohio,

That under the lawful authority of the general assembly the attorney general be and he is hereby directed to appear for the state before said grand jury and in any court wherein said cause or any like causes or proceedings may be brought; and be it further

Resolved, That a duly certified copy of this resolution be by the clerk of the house and the clerk of the senate delivered to the attorney general immediately after its adoption.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 5th, 1911. 30

[Senate Joint Resolution No. 19.]

JOINT RESOLUTION

Authorizing and directing the state board of health to make an investigation of occupational diseases.

WHEREAS, The employment of men and women in certain occupations is known to be attended with more than ordinary danger to health, giving rise to what is known as "occupational diseases", and

WHEREAS, Unnecessary sickness and shortening of life, from whatever cause, is a serious loss of grave concern to the state and to all the people, and

WHEREAS, It is believed to be possible, by public education and by the enforcement of proper measures, to largely prevent unnecessary sickness and premature death among employes in various trades and occupations, therefore

Be it resolved by the General Assembly of the State of Ohio:

That the state board of health is hereby authorized and directed to make a thorough investigation of the effect of occupations upon the health of those engaged therein with special reference to dust and dangerous chemicals and gases, to insufficient ventilation and lighting, and to such other unhygienic conditions as in the opinion of said board may be specially injurious to health, and to report to the next General Assembly the results of such investigation, with such recommendations for legislative or other remedial measures as it may deem proper and advisable, provided that the cost of such investigation shall not exceed the sum of five thousand dollars.

PRICE RUSSELL,
Speaker pro tem. of the House of Representatives
HUGH L. NICHOLS,
President of the Senate.

Adopted May 17th, 1911. 31

[House Joint Resolution No. 28.]

JOINT RESOLUTION

Relative to paying the salary of the late D. P. Hagerty.

Be it resolved by the General Assembly of the State of Ohio:

That the speaker of the House of Representatives be and is hereby

directed to issue his warrant upon the auditor of state in favor of A. L. Hagerty, the duly appointed administrator of the estate of David P. Hagerty, the late deceased member of the Seventy-ninth General Assembly, for the full amount of salary due for his unexpired term.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 32

[House Joint Resolution No. 30.]

JOINT RESOLUTION

Relative to adjournment sine die.

Be it resolved by the General Assembly of the State of Ohio:

That when the Senate and House of Representatives adjourn on May 18th, 1911, it be to meet on May 31st, 1911, at 10 o'clock a. m. and that the 79th General Assembly adjourn sine die on May 31st, 1911, at 4 o'clock p. m.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 33

[House Joint Resolution No. 31.]

JOINT RESOLUTION

Relative to the assignment of certain office rooms in the capitol building.

WHEREAS, Under an act passed by the General Assembly of Ohio, at its regular 1911 session, authorizing the chief inspector of workshops and factories to remove his office to rooms outside the capitol building; and

Whereas, The removal of such office will leave vacant two rooms in the capitol building; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the room on the south side of the corridor thus vacated be and the same is hereby assigned to the treasurer of state, to be used by him in connection with his office.

That the room on the north side of the corridor thus vacated be and the same hereby is assigned to the state dairy and food commissioner to be used and occupied by him in connection with his office.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 34

[House Joint Resolution No. 32.]

JOINT RESOLUTION

Relating to squirrel hunters.

WHEREAS, The General Assembly of the State of Ohio, on May 9, 1908, adopted a joint resolution authorizing and directing the payment of the sum of thirteen dollars to each surviving member of the citizen soldiers known as squirrel hunters, during the civil war, whose names were recorded in the files of the adjutant general's office of the state,

WHEREAS, Many citizens of the state, whose names are not recorded in the files of the adjutant general's office of the state, responded to the call of Governor Todd and became members of said squirrel hunters, rendering to the state the same services as those rendered by persons whose names are so recorded, therefore

Be it further resolved, That the identity of each such surviving persons shall be established by affidavit as to his services, subscribed and sworn to by the claimant himself and filed in the adjutant general's office; such affidavit shall state the county in which he resided when he so served, together with the date of his response to the call; with such affidavit the claimant shall also file the affidavit of any two surviving members of such company or of any two reputable citizens of the community in which the claimant now lives, all of which affidavits shall corroborate the statements made in the affidavit of the claimant himself, and

Be it further resolved, That upon the filing of such affidavits with the adjutant general, the adjutant general shall consider the same and if he finds that the statements made therein are true and that the claimant did respond to the aforesaid call, he shall enroll and record the name of the claimant in the files of his office, and issue a certificate of discharge to such claimant.

Be it further resolved, That the application blanks carrying out the provisions of this resolution shall be provided by the commissioner of soldiers claims of Ohio. That the provisions of this resolution shall not apply to any regiment or organization which may later have been mustered into the service of the United States and receive compensation for such services rendered.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 35

[House Joint Resolution No. 33.]

JOINT RESOLUTION

WHEREAS, The project of an inland canal from the Mississippi river to the North Atlantic States, known as the Atlantic Inland Waterway, is shown to offer savings of millions annually in way of wreck avoidance, insurance, freight savings, increased facility for coaling naval vessels with less expense, and

WHEREAS, Said project if carried out means highly advantageous conditions for trade relations of the state of the Northwest, Central and Gulf States particularly and all the states in general by reason of traffic connection with the Panama canal:

Therefore, be it resolved by the General Assembly of the State of Ohio, That we most respectfully call the attention of the honorable senators and members of the United States congress to these facts. And respectfully request their co-operation with the honorable senators and members from this state to secure these needful appropriations per annum, to be distributed over a period not exceeding five years, to secure these needed improvements. To secure the Illinois canal, a deep harbor and United States navy coaling station at Southport, and the opening of the Florida canal from the mouth of the St. John's river via Jacksonville, Fla., which will consist chiefly in dredging out deeper the St. John's river to its fountain head, with a short cut across to the Kissimee river, and the Great Lake Okeechobee, and the dredging out of the Caloohatchee river from there to the Gulf of Mexico at Puntarosa; which combined with the harbor at Southport will enable commerce from the Northwest, West and great Middle Southwest and the center of American population, and from the Tennessee coal fields to escape all the dangers of Cape Hatteras, the Bahama Banks, the Florida Straits, and the West India Islands, to serve the commerce of the Gulf, of the Panama canal, the Atlantic coast and the Pacific coast, in the interest of the nation at large.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 36

[House Joint Resolution No. 34.]

JOINT RESOLUTION

To pay to Mrs. Smith, wife of the late Wm. T. Smith, deceased, the salary due her husband on his unexpired term.

Be it resolved by the General Assembly of the State of Ohio:

That the Speaker be, and is hereby directed to issue his warrant upon the auditor of state, in favor of Mrs. Wm. T. Smith, wife of Wm. T. Smith, late deceased member of this body, for the amount of salary due on his unexpired term.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate

Adopted May 31st, 1911. 37

[Senate Joint Resolution No. 26.]

JOINT RESOLUTION

Providing for the revision of the joint rules of the general assembly.

Be it resolved by the General Assembly of the State of Ohio:

That the clerk of the senate and the clerk of the house of representatives are hereby authorized and directed to revise the joint rules of the general assembly. When such rules are revised they shall be submitted for the approval and adoption of the joint committee on rules before being printed.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 38

[Senate Joint Resolution No. 24.]

JOINT RESOLUTION

Be it resolved by the General Assembly of the State of Ohio:

That the assistant clerk of the senate and the assistant clerk of the house of representatives be and they are hereby authorized and directed to prepare and have printed in book form, bound in cloth, five thousand copies of a legislative manual, fifteen hundred copies for the use of the senate and thirty-five hundred copies for the use of the house of representatives. To defray the expense connected with the preparation and revision of such manual the assistant clerk of the senate and the assistant clerk of the house of representatives shall receive five hundred dollars each, payable from the contingent funds of the senate and house upon vouchers signed by the speaker of the house and the president of the senate, and such officers are hereby authorized and directed to sign vouchers for said amounts upon completion of such manual. The manual shall contain the joint rules of the 79th general assembly, the rules of the senate and the house of representatives, together with a list of the members and the standing committees of each house; section of statutes, state and federal relating in any way to the powers and duties of the general assembly, and such other matter as those charged with the preparation of this book may deem appropriate.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 39

[Senate Joint Resolution No. 27.]

JOINT RESOLUTION

Be it resolved by the General Assembly of the State of Ohio:

That a committee of three on the part of the senate and * * * * on the part of the house of representatives, be appointed to wait upon

the governor, inform him that the regular session of the general assembly is ready to adjourn, and ascertain whether he has any further communication to submit.

S. J. VINING,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 40

[Senate Joint Resolution No. 11.]

JOINT RESOLUTION

To authorize the city of Columbus to construct a public comfort station on the state capitol grounds.

Be it resolved by the General Assembly of the State of Ohio:

That the city of Columbus be, and is hereby authorized to construct and maintain a public comfort station at such point or location on the state capitol grounds as shall be approved by the governor and the adjutant general of the state, the same to be in accordance with the following general plan:

Said public comfort station is to be constructed below the grade of said capitol grounds, the exterior walls to be stone masonry lined in the inside with brick, and the roof to be steel beams with reinforced concrete construction finished like a sidewalk, with sidewalk lights to light the rooms below, the steps and copings to be of limestone.

The floor to be tile, and all partitions for water-closets, etc., to be marble or other impervious material. All walls to be wainscoted six feet high with marble or other impervious material. The ceiling and side walls above the marble to be plastered and finished with enamel paint or enameled brick.

The plumbing fixtures to be extra heavy, all work to be first class and properly vented; provided that plans and specifications for said public comfort station shall first be approved by the governor and adjutant general of the state, and all plumbing and sanitation shall be constructed and maintained subject to the approval of the state board of health.

This resolution shall take effect and be in force when the same is accepted by the council of the city of Columbus.

S. J. VINING,
Speaker of the House of Representatives.
H. L. NICHOLS,
President of the Senate.

Adopted May 31st, 1911. 41

STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, CHAS. H. GRAVES, secretary of state of the state of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said state, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-ninth general assembly of the state of Ohio, at its regular session, begun January 2, 1911, and ended May 31, 1911, and held in the city of Columbus.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 3rd day of July, A. D. 1911.

CHAS. H. GRAVES,
Secretary of State.

(Seal)

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1911.

Counties.	County Seats.	Circuit.	Circuit Courts.	District.	Sub-Division.	Courts of Common Pleas.
Adams	West Union	4	March 28, November 21	7	3	January 9, April 10, October 23.
Allen	Lima	3	April 4, November 14	3	1	January 9, April 17, September 25
Ashland	Ashland	5	March 21, October 17	6	2	January 16, April 17, September 25.
Ashtabula	Jefferson	7	February 9, September 11	9	3	January 2, April 10, September 18.
Athens	Athens	4	January 17, October 10	7	1	February 13, May 8, October 23.
Auglaize	Wapakoneta	3	April 18, November 21	3	1	January 2, May 1, October 2.
Belmont	St. Clairsville	7	May 22, December 4	8	2	January 10, April 4, September 19.
Brown	Georgetown	4	April 4, November 23	5	1	January 9, April 10, October 9.
Butler	Hamilton	1	April 10, September 25	2	1	January 3, May 1, October 2.
Carroll	Carrollton	7	April 17, November 8	9	1	February 13, May 1, September 25.
Champaign	Urbana	2	April 17, November 13	2	2	January 3, May 1, October 2.
Clark	Springfield	2	May 15, December 4	2	2	January 3, May 1, October 2.
Clermont	Batavia	1	April 3, September 20	5	1	January 16, April 17, October 16.
Clinton	Wilmington	1	May 1, October 16	2	3	January 3, May 8, October 2.
Columbiana	Lisbon	7	April 10, October 23	9	1	January 16, April 17, September 25.
Coshocton	Coshocton	5	May 23, October 31	6	3	January 9, April 3, September 11.
Crawford	Bucyrus	3	January 17, September 26	10	2	January 24, May 16, October 17.
Cuyahoga	Cleveland	8	January 2, October 16	4	3	January 9, April 3, July 5, September 18
Darke	Greenville	2	April 24, November 20	2	2	January 3, May 1, October 2.
Defiance	Defiance	3	March 7, October 24	3	3	January 23, May 1, November 13.
Delaware	Delaware	5	June 13, November 21	6	1	January 3, April 3, September 18.
Erie	Sandusky	6	April 3, September 25	4	1	January 9, April 3, September 18.
Fairfield	Lancaster	5	January 3, September 20	7	2	January 16, April 10, October 30.
Fayette	Washington C. H.	2	May 8, November 27	5	2	January 16, April 17, October 2.
Franklin	Columbus	2	January 2, September 25	5	3	January 3, April 17, September 18.
Fulton	Wauseon	6	May 22, November 6	3	3	January 16, April 10, October 2.
Gallia	Gallipolis	4	February 21, October 31	7	2	January 9, April 10, October 30.
Geauga	Chardon	7	February 27, September 21	9	3	January 2, April 10, September 18.
Greene	Xenia	2	March 27, October 23	2	3	January 3, May 1, October 2.
Guernsey	Cambridge	7	April 24, October 30	8	1	February 6, May 1, October 2.
Hamilton	Cincinnati	1	January 9, November 6	1	.....	January 5, April 3, July 3, October 3.
Hancock	Findlay	3	May 9, December 12	10	1	January 3, April 3, September 18.
Hardin	Kenton	3	February 7, October 5	10	1	February 13, May 8, September 16.
Harrison	Cadiz	7	May 15, November 27	8	3	January 3, March 13, September 5.
Henry	Napoleon	3	February 21, October 17	3	2	January 9, May 1, September 11.
Highland	Hillsboro	4	April 11, November 28	5	2	January 16, April 3, October 9.
Hocking	Logan	4	January 24, October 17	7	2	January 9, April 3, October 23.
Holmes	Millersburg	5	April 18, November 7	6	3	January 9, April 3, September 11.
Huron	Norwalk	6	April 10, October 2	4	1	January 9, April 3, September 18.
Jackson	Jackson	4	May 17, December 21	7	3	January 30, May 1, September 25.
Jefferson	Steubenville	7	May 29, December 11	8	3	January 3, April 4, September 11.
Knox	Mt. Vernon	5	March 7, October 3	6	1	February 6, May 1, November 6.
Lake	Painesville	7	February 20, September 18	9	3	January 30, May 1, October 16.
Lawrence	Ironton	4	February 28, November 8	7	3	February 6, May 8, September 25.
Licking	Newark	5	March 28, September 12	6	1	January 9, April 3, September 11

Logan	Bellefontaine	3	February 14, October 10	10	3	February 6, May 8, October 16.
Lorain	Elyria	8	April 17, September 25	4	2	January 9, April 3, September 18.
Lucas	Toledo	6	January 2, November 13	4	1	January 2, April 3, September 18.
Madison	London	2	April 3, October 30	5	2	January 3, May 15, October 16.
Mahoning	Youngstown	7	March 20, Otcober 9	9	2	January 2, May 1, September 11.
Marion	Marion	3	January 10, September 19	10	2	January 24, May 16, October 17.
Medina	Medina	8	April 27, September 20	4	2	January 9, April 3, September 18.
Meigs	Pomeroy	4	February 14, October 26	7	2	January 30, May 8, October 9.
Mercer	Celina	3	April 25, November 28	3	1	January 30, May 29, October 30.
Miami	Troy	2	April 10, November 6	2	2	January 3, April 17, October 2.
Monroe	Woodfield	7	May 8, November 20	7	1	January 3, April 11, September 25.
Montgomery	Dayton	2	May 22, December 11	2	3	January 3, April 3, October 2.
Morgan	McConnelsville	5	May 16, November 28	8	1	January 4, April 4, October 3.
Morrow	Mt. Gilead	5	May 31, December 12	6	2	January 9, April 10, October 9.
Muskingum	Zanesville	5	May 2, October 24	8	1	January 3, April 3, October 2.
Noble	Caldwell	7	May 1, November 13	8	1	January 3, April 3, September 5.
Ottawa	Port Clinton	6	April 24, October 16	4	1	February 20, June 5, November 6.
Paulding	Paulding	3	February 28, October 19	3	3	January 9, April 10, October 2.
Perry	New Lexington	5	April 25, November 15	7	1	February 6, May 8, November 6.
Pickaway	Circleville	4	April 18, December 5	5	2	January 3, April 3, September 25.
Pike	Waverly	4	May 9, December 19	7	3	March 20, June 12, October 30.
Portage	Ravenna	7	March 14, October 2	9	2	January 2, April 3, September 4.
Preble	Eaton	2	April 19, November 15	2	2	January 9, May 8, October 2.
Putnam	Ottawa	3	March 14, October 31	3	2	February 13, June 5, November 6.
Richland	Mansfield	5	January 10, September 5	6	2	January 3, April 3, September 11.
Ross	Chillicothe	4	April 25, December 12	4	1	January 3, April 10, October 2.
Sandusky	Fremont	6	April 17, October 9	5	2	January 2, April 3, September 18.
Scioto	Portsmouth	4	March 14, November 14	7	3	January 16, April 17, September 18
Seneca	Tiffin	3	May 2, December 5	10	1	January 3, April 3, September 18.
Shelby	Sidney	2	April 5, November 1	3	1	January 9, April 3, October 16.
Stark	Canton	5	February 14, September 26	9	1	January 2, May 1, September 11.
Summit	Akron	8	April 3, October 2	4	2	January 9, April 10, September 18.
Trumbull	Warren	7	March 6, September 25	9	2	January 30, May 1, October 2.
Tuscarawas	New Philadelphia	5	June 5, December 5	8	3	January 9, April 3, September 11.
Union	Marysville	3	January 31, October 3	10	3	January 3, April 3, September 11.
Van Wert	Van Wert	3	March 28, November 8	3	3	January 23, May 1, November 13.
Vinton	McArthur	4	February 7, October 24	7	2	March 6, May 22, December 4.
Warren	Lebanon	1	April 24, October 9	2	3	January 9, April 3, October 2.
Washington	Marietta	4	January 10, October 3	7	1	January 17, May 10, October 24.
Wayne	Wooster	5	January 31, October 10	6	3	February 6, May 1, October 2.
Williams	Bryan	6	May 15, October 30	3	3	February 20, May 22, November 13.
Wood	Bowling Green	6	May 1, October 23	10	1	January 3, May 8, September 25.
Wyandot	Upper Sandusky	3	January 3, September 12	10	2	February 20, June 6, September 19.

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